

MINUTES OF THE MEETING OF DAMAN & DIU COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 17.9.2019 AT 03.30 PM 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 Rakesh Minhas, Collector, Daman/Member Secretary, Pollution Control Committee/DDCZMA, D&D, Daman
3. Smt. Saloni Rai, Collector, Diu/Member, DDCZMA (through Video Conferencing)
4. Dr. Badarees KO, Scientist, Representative of Director, National Centre for Sustainable Coastal Management (NCSCM), Anna University Campus, Chennai -600025 /Member, DDCZMA.
5. Shri Ratheesh Ramakrishnan, Sci./Engineer, from the Director, Space Application Centre, Jodhpur Tekra, AmbawadiVistar, Ahmedabad, Gujarat.
6. Ms. Charmie Parekh, Dy. Collector, Daman/Chief Town and Country Planner, Daman- Member, DDCZMA.

Following members of DDCZMA did not attend the meeting;

1. Shri. Vaibhav Vikhari, Deputy Secretary, Fisheries, Daman- For Director, Fisheries, DD/Member, DDCZMA.
2. Representative of Mangrove Society of India, 48, Nirmity, 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.

APPROVAL OF THE MINUTES OF THE DAMAN & DIU COASTAL ZONE MANAGEMENT AUTHORITY MEETING HELD ON 02/04/2019.

The Minutes of the meeting of Daman & Diu Coastal Zone Management Authority (DDCZMA) held on dated 02/04/2019 were discussed and approved.

AGENDA ITEM NO. 1: COASTAL ZONE MANAGEMENT PLAN OF THE UT OF DAMAN & DIU TO BE PREPARED AS PER CRZ NOTIFICATION NO. GSR-37(E) DATED 18/01/2019

The Member Secretary, DDCZMA briefed that in its meeting held on 02/03/2019, it was decided that the Coastal Zone Management Plan based on CRZ Notification 2019 will be prepared by NCSCM, Chennai.

In this regard a request letter was sent to Sustainable Coastal Management (NCSCM), Chennai for the preparation of CZMPs of Daman & Diu in accordance with the CRZ Notification – 2019. The NCSCM, Chennai sent a Draft Contract Agreement

containing the final proposal for preparation of Coastal Zone Management Plans (CZMPs)- 2019 of Daman & Diu, in accordance with the CRZ Notification -2019 along with details of cost and other terms and condition.

The Daman & Diu Coastal Zone Management Authority has sent acceptance of the terms and conditions of draft contract agreement containing the final proposal for preparation of Coastal Zone Management Plans (CZMPs) – 2019 of Daman & Diu, in accordance with the CRZ Notification, 2019 submitted by NCSCM vide letter dated 24/07/2019 and requested NCSCM to submit the Proforma invoice for the 1st instalment for advance payment along with the contract agreement. The final agreement is pending for signing.

The status was placed before the DDCZMA and it was decided to request NCSCM to prepare and submit the draft CZMP for Daman and Diu at the earliest.

AGENDA ITEM NO. 2. DECISION ON NGT ORDER DATED 21/08/2019 IN THE MATTER OF APPEAL NO. 10/2019– NARESH RANCHHOD TANDEL & ANRS APPELLANT V/S DAMAN & DIU COASTAL ZONE MANAGEMENT AUTHORITY & ANRS.

The Member Secretary, DDCZMA informed the members that Hon'ble National Green Tribunal Principal Bench, New Delhi vide Order dated 21/08/2019 in the matter of Appeal No. 10/2019– Naresh Ranchhod Tandel & Anrs (Appellant) V/S Daman & Diu Coastal Zone Management Authority & Anrs(Respondent) dismissed the appeal.

As per para 4 of NGT order dated 21/08/2019 which said “we do not find any ground to interfere with the impugned order. Learned Counsel for the appellant submits that there are certain statutory amendments conferring rights on appellant even if the impugned order is upheld. We do not express any opinion in this regard as the issue has not been raised in the appeal nor raised before the original authorities. The appeal is dismissed”

The matter was placed before the DDCZMA for perusal and discussion and it was informed that the appellant has moved to Hon'ble Supreme Court to challenge the above order and wherein Hon'ble Supreme Court ordered to maintain status quo. The issue was discussed by DDCZMA members and the Member Secretary is asked to take action to file a petition to vacate the status quo and reply affidavit in the court.

AGENDA ITEM NO. 3.: PROPOSAL FOR CRZ CLEARANCE FOR SEA FRONT DEVELOPMENT FROM JAMPORE BEACH TO LIGHT HOUSE (FTS: 46087)(FILE NO. 2/2/PWD/SD-III/ 2017-18/).

The Member Secretary, DDCZMA briefed that the Executive Engineer PWD, WD-I submitted a proposal for CRZ clearance for seafront development from Jampore

beach to light house in Moti Daman area was discussed and in principle approval was given to said project. The development of sea front road development from Jampore beach to light house will improve the connectivity of the villages' viz. Jampore, Dholar, Damanwada, Junprim and Moti Daman and ease out the traffic flow, thereby benefits the local residents, commuters and the tourists. The project will also improve the tourists/visitors flow. Since it is a permissible activity, the Daman & Diu Coastal Zone Management Authority in principle approved the construction of Sea Front Road development from Jampore beach to light house subject to submission CRZ map in 1:4000 and superimposing the layout of the project in the map and the categories of CRZ areas in the vicinity.

Now the Executive Engineer submitted the said details of the proposal vide Letter No. EE/PWD/WD-I/DMN/2019-2020/3896 Dated 12/08/2019. The map in 1:4000 scale prepared by Institute of Remote Sensing, Anna University, Chennai superimposing the proposed development of sea front road from Jampore Beach to Light House of Length 3330.02 m, Moti Daman, U. T. of Daman on approved CZMP as per the CRZ Notification- 2011. The Authority, after detailed discussion and deliberations, concluded that the construction of said road in the proposed alignment will not disturb the mangroves and other ecologically sensitive areas. The road will provide much needed connectivity for the villages and alleviate the problem of traffic congestion in Moti Daman city.

The Daman & Diu Coastal Zone Management Authority approved the proposed project subject to the terms and conditions of local Town & Country Planning Department and CRZ Notification and fulfilling the following conditions.

- a. The proposed activity should be undertaken as per the provisions of CRZ notifications and guidelines/clarifications given by MoEF&CC from time to time.
- b. The construction debris are not dumped in beach and CRZ areas
- c. There shall not be any arrest or prevent the flow of natural drains/nallahs and should ensure proper flow as per tidal fluctuations
- d. No beach sand should be used for the development
- e. Mangroves, if any should not be destroyed or cut
- f. All other required permission must be obtained including clearance under Forest Conservation Act, 1980 and other statutory authorities.

AGENDA ITEM NO. 4:CRZ CLEARANCE FOR NEW CIRCUIT HOUSE BUILDING ON SEA FACE ROAD, NANI DAMANAREA : PTS NO. 45/58, NANI DAMAN SIZE OF PROJECT: 3945.15 SQ. MTS. (GF+6 STOREY) (FTS : 75948) (FILE NO. 2/2/AE/PWD/SD-II/2018-19/)

The Member Secretary, DDCZMA briefed that the Executive Engineer, PWD I submitted a proposal for clearance for New Circuit House at Nani Daman near sea face

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road. The construction of the project has already been completed and is on the landward side of the existing road and other structures, and the activity is permissible and falls in CRZ II as per CRZ notification, 2011.

All other norms of the building bye laws and town and country planning Rules have been followed. The Circuit House is essential to cater to the increasing inflow of officials visiting the UT of Daman & Diu and also, for other visitors. It has been agreed to forward the proposal to MoEF&CC for approval and the project proponent was asked to submit the maps in 1:4000 scale superimposing the proposed construction of New Circuit House building on Sea Face Road at Nani Daman, UT of Daman on approved CZMP as per CRZ Notification-2011. The Executive Engineer, PWD-I submitted the required details for the said proposal vide letter No. EE/PWD/WD-I/DMN/2019-2020/3896-A Dated 12/08/2019.

The Daman and Diu Coastal Management Authority deliberated the issue and decided to forward the proposal to MoEF&CC for *ex post facto* approval for construction of Govt. Circuit House as the activity is permissible activity and falls in the developed area of CRZ II and no other rules and guidelines have been violated.

The Daman and Diu Coastal Zone Management Authority has asked the Member Secretary, DDCZMA to forward the proposal along with all the necessary documents.

AGENDA ITEM NO.5:CRZ CLEARANCE FOR SEA FRONT ROAD, AND BEAUTIFICATION OF DEVKA BEACH AT NANI DAMAN KM 0/0 TO 6/380 (FILE NO. SE/PWD/DMN/F-4/2018-19 /(FTS : 72968) RECEIVED FROM THE EXECUTIVE ENGINEER-WD-I, PWD, DAMAN REGARDING CRZ CLEARANCE

The Member Secretary, DDCZMA briefed that Executive Engineer, PWD-I, Daman submitted a proposal for clearance under CRZ for sea front road and beautification of Devka beach area at Nani Daman which includes construction of gabion structures to check the erosion on the seaward side, pedestrian path and road on the landward side with lighting and landscaping. The total project area is 15.47 Ha. The Project does not attract the provisions of EIA Notification No. S.O.1533(E) dated 14/09/2006. The proposed sea front road also passes through Forest areas in some stretches for which proposal for clearance under Forest Conservation Act, 1980 is also submitted to Regional Office, Bhopal. Since the entire alignment of the road passes through the land ward side and through ecologically sensitive areas like mangroves, etc and the forest areas is having casuarina plantation and construction of road connecting the settlements, villages is a permissible activity, the proposal was considered.

The development of sea front road and beautification of Devka beach will improve the connectivity of the villages' viz. Devka, Marvad and Katharia and ease out



the traffic flow, as the existing road is having heavy traffic flow and frequent jams due to added flow of tourists. Thus, the proposed road will not only provide connectivity and approach from the seaside to the villages but also increase the tourists/visitors flow thereby benefits the local residents, commuters and the tourists. It was also informed that this road is necessary and will act as an alternate route in case of any emergencies including natural calamity.

The project proponent submitted all the documents required except the CRZ map in 1: 4000 scale superimposing the seafront road. The authority in its earlier meeting deliberated and accorded in principle approval and asked the project proponent to submit the pending details. The Executive Engineer, PWD –I, Daman submitted the CRZ map in 1:4000 scale superimposing the proposed Sea front road and beautification of Devka Beach of length Km 0/0 to 6/380 on approved CZMP as per CRZ Notification - 2011 vide letter No. EE/PWD/WD-I/AB/DMN/2019-2020/4266 Dated 03/09/2019. It is informed that Stage I clearance under Forest (Conservation) Act, 1980 for the said project has also been accorded by MoEF&CC.

It was also informed to the members of DDCZMA that a Public Interest Litigation (No. 21970/2019) is filed in the High Court of judicature at Bombay by Shri Jitendar P. Maru – Petitioner V/s Administrator of Daman & Diu & Ors – Respondents. DDCZMA is one of the Respondents and a reply based on the facts and records will be submitted.

The Authority, after detailed discussion and deliberations, concluded that the construction of said road is a permissible activity, the proposed alignment of the road is falling in the landward side and not disturbing the mangroves and other ecologically sensitive areas including the flow as per tidal fluctuations. The road will provide much needed connectivity for the villages and alleviate the problem of traffic congestion in Devka, Marwad and Nani Daman city areas.

The Daman & Diu Coastal Zone Management Authority approved the proposed project subject to the terms and conditions of local Town & Country Planning Department and CRZ Notification and fulfilling the following conditions.

- a. The proposed activity should be undertaken as per the provisions of CRZ notifications and guidelines/clarifications given by MoEF&CC from time to time.
- b. The construction debris are not dumped in beach and CRZ areas
- c. There shall not be any arrest or prevent the flow of natural drains/nallahs and should ensure proper flow as per tidal fluctuations
- d. No beach sand should be used for the development
- e. Mangroves, if any should not be destroyed or cut
- f. All other required permission must be obtained including clearance under Forest Conservation Act, 1980 and other statutory authorities.

AGENDA ITEM NO. 6: PROPOSAL FOR CRZ CLEARANCE FOR THE CONSTRUCTION OF GOVERNMENT ENGINEERING COLLEGE BUILDING AT VARKUND, NANI DAMAN (FTS; 88356) (FILE NO. PCC/DDCZMA/DAMAN-48/2018-19)

The Member Secretary, DDCZMA briefed that All the documents were submitted by the Project proponents except for (a) CRZ map in 1:4000 scale, drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA III, dated the 14th March, 2014 using the demarcation of the HTL or LTL, as carried out by NCSCM, (b) Project layout superimposed on the CRZ map duly indicating the project boundaries and the CRZ category of the project location as per the approved Coastal Zone Management Plan under this notification

The project falls under CRZ-III (No Development Zone) and a very small portion of the proposed college building comes under intertidal zone of CRZ 1B. The small portion of the intertidal zone CRZ IB i.e. the area between the HTL and LTL at the proposed site is not having any ecological sensitive area. As per clause 8 I(ii) (b) and 8(III)(A)(iii)(j) of CRZ Notification, 2011 Construction of Schools in CRZ IB area and CRZ III No Development Zone, which are required for the local inhabitants may be permitted on a case to case basis by Coastal Zone Management Authority. The proposal is for construction of Government Engineering College, which is an educational facility, very much required for the local inhabitants and may come under the purview of schools. Accordingly, The DDCZMA has agreed to forward the proposal to NCZMA, MoEF&CC for approval and requested the Project proponent to submit the CRZ maps in 1: 4000 scale.

The Principal, Govt. Engineering College, Daman submitted the details vide letter No. 33.0-EST-GEC/CRZ/2019-20/212 Dated 13/09/2019, has submitted a report prepared by Institute of Remote Sensing, Anna University, Chennai – superimposing the details of the proposed Government Engineering College building at Varkund Village, Nani Daman UT of Daman on approved CZMP as per the CRZ Notification-2011.

The Daman and Diu Coastal Management Authority deliberated the issue and decided to forward the proposal to NCZMA, MoEF&CC for approval of the proposal for construction of Govt. Engineering College, an educational institution for the benefit of local inhabitants since construction of school is a permissible activity and no other rules and guidelines have been violated.

The Daman and Diu Coastal Zone Management Authority has asked the Member Secretary, DDCZMA to forward the proposal along with all the necessary documents.

AGENDA ITEM NO. 7: PROPOSAL RECEIVED FROM M/S TERRACES RESORT, PLOT NO. 38, DEVKA, DAMAN FOR THE CLEARANCE.

The Member Secretary, DDCZMA briefed the details of the said proposal received vide application dated 02/04/2019 from M/s The Terraces Resort, Plot No. 38, Devka, Daman for CRZ permission.

The Member Secretary, DDCZMA informed that in the said plot No. 38, Devka village, construction of the commercial (hotel) property admeasuring a built up area of 11318.70 sq.m (approx.) with lower ground floor, upper ground floor, first floor, Mezzanine floor, second floor, third floor, fourth floor, fifth floor and sixth floor by Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel is already completed and the said property falls in the No Development Zone (NDZ) of CRZ III, is not a permissible activity and thus CRZ norms are violated.

Collector, Daman vide Order No. COL/DMN/DY. Coll/2015-14/(T)/2167 dated 28.07.2015 directed the Executive Engineer, Electricity Department to immediately disconnect the electric connection given on land bearing survey No. 38 at Village Devka, Nani Daman owned by Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel as the construction activities being carried out by them on the aforesaid land is illegal /unauthorized.

Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel moved the Hon'ble High Court of Judicature at Bombay and filed a Civil Writ Petition No. 8852 of 2015 challenging the order and notice passed on 28.07.2015 by the Collector, Daman.

The Hon'ble High Court of Judicature at Bombay vide its order dated 30.09.2015 directed the Administrator to decide the representation made by the petitioner dated 20.8.2015.

Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel requested the Hon'ble Administrator on 20.8.215 for cancellation and withdrawal of order disconnecting electricity connection, notice dated 12.2.2015, notice dated 15.4.2015 and notice dated 28.7.2015 by Collector, Daman.

The Administrator, DD&DNH in compliance of the directions of the Hon'ble High Court Judicature at Bombay vide order dated 30.09.2015 in Civil Writ Petition No. 8852 of 2015, was of the opinion that the electricity of the said plot need not be restored as the premises are not functional and occupied. Issue pertaining to the CRZ violation was remanded back to the Collector, Daman and the Collector, Daman was directed to adjudicate the said issue on 15.10.2015 pending which the Appellants were directed to maintain status quo vide Administrator's court order dated 12.10.2015.

In response Collector, Daman submitted a report on 11.12.2015 and mentioned that it is a clear violation of all sanction letters, CRZ norms, height restrictions and thus has been willfully engaged in unauthorized construction. It is also mentioned that the

petitioners failed to apply/obtain approval of CRZ Committee, Daman before starting constructions. The letter construction permission issued by District Panchayat, Daman was beyond the norms i.e. permissible height and built up area as per notification dated 6.1.2011 and hence issued by a person not competent to issue the same. It is also mentioned that as per provisions of section 5 of Environment (Protection) Act, 1986 and notification No. 45/1/92-F&E/1330 dated 5.7.1993, collector Daman is competent to order the stoppage the supply of electricity for CRZ violations.

The Administrator vide order dated 22.12.2015 rejected the request of the petitioners for cancellation and withdrawal of order disconnecting their electricity connection, notice dated 12.02.2015, notice dated 15.4.2015 and notice dated 28.7.2015.

Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel approached the Hon'ble High Court of Judicature at Bombay and filed a Civil Writ Petition No. 552 of 2016 and Writ Petition No. 816 of 2016 against the notices and orders of the Respondent Authorities for CRZ violation.

The Hon'ble High Court of Bombay vide order dated 19.07.2016 disposed of the said Civil Writ Petition No. 552 of 2016 and No.816 of 2016, reserving the right of the petitioner, Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel to file an appeal under section 16 of the National Green Tribunal Act, 2010.

Accordingly, Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel filed an Appeal bearing No. 60 of 2016 before Hon'ble National Green Tribunal (NGT) on 10.08.2016 and have challenged the Order dated 22nd December 2015 issued by The Administrator, Union Territory of Daman & Diu and asked to quash the same broadly on two grounds: (i) that the Administrator erred in issuing directions/order on the representation of the Appellants thereby upholding actions of the Collector, Daman in the exercise of the powers which vested in Daman & Diu Coastal Zone Management Authority comprising of named authorities/officers/functionaries then, it being duty reconstituted as per clause (6) of CRZ Notification, 2011 (ii) secondly, the construction in question was beyond 200 mtrs of High Tide Line (HTL).

Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel filed an appeal (No. 60/2016) in Hon'ble National Green Tribunal (NGT).

The National Green Tribunal, Pune Bench vide order dated 11.05.2017 in Appeal No. 60/2016 (WZ), MA No. 97/2017 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".

The 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 Daman and Diu Coastal Zone Management Authority (DDCZMA) vide judgement (record of proceedings) dated 2.4.2019 opined that the construction of the commercial (hotel) property admeasuring a built up area of 11318.70 sq.m (approx.) with lower ground floor, upper ground floor, first floor, Mezzanine floor, second floor, third floor, fourth floor, fifth floor and sixth floor by the appellants falls in the No Development Zone (NDZ) of CRZ III, is not a permissible activity and thus CRZ norms are violated. The appeal is dismissed and directed the appellants to remove the unauthorised structure i.e. the commercial hotel property admeasuring a built up areas of 11318.70 sq.m constructed on the land bearing plot No. 38, village Devka, Nani Daman within 30 days failing which the collector, Daman is directed to demolish it by following the due procedure of law and recover the expenses incurred towards demolition from the appellants.

Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel preferred an Appeal No. 10/2019 Naresh Ranchhod Tandel and Anr vs Daman and Diu Coastal Zone Management Authority & ors against the order for removal of unauthorised structure constructed by the appellant in No Development Zone with in 200m of the High Tide Line in CRZ III on plot No 38 in village Devka, Nani Daman.

Hon'ble NGT vide order dated 30.04.22019 in Appeal No.10/2019 in the matter of Naresh Ranchhod Tandel & anr versus Daman and Diu Coastal Zone Management Authority & ors sought a joint report in the matter on issues of location of the construction in question with reference to HTL from a joint committee of National Coastal Zone Management Authority, Delhi, National Remote Sensing Centre, Hyderabad, Daman and Diu Coastal Zone Management Authority and Institute of Sustainable Development, Chennai within two months.

The report of joint committee constituted comprising representatives of National Coastal Zone Management Authority, Delhi, National Remote Sensing Centre, Hyderabad, Daman & Diu Coastal Zone Management Authority and Institute of Sustainable Development, Chennai, constituted by the Hon'ble NGT, Principal bench, New Delhi to go into details of the issues involved in Appeal No. 10/2019 filed before the Hon'ble NGT, Principal bench, New Delhi was submitted to Hon'ble NGT on 30.6.2019.

Hon'ble NGT in Appeal No.10/2019 in the matter of Shri Naresh Ranchhod Tandel &anr versus Daman and Diu Coastal Zone Management Authority & ors, vide order dated 21.08.2019 mentioned that the committee concluded that the location of construction in question is within 200 m of the HTL and that the structure in question is in the No Development Zone (NDZ) of CRZ III. The committee found that the subject hotel site, hotel building, compound and the entire construction (except part of the SE corner of the Compound wall/structure) fall within No Development Zone (200m from HTL) of CRZ III. Hon'ble NGT remarked that we do not find any ground to interfere with the impugned order and dismissed the appeal. In the light of the above, the order dated 2.4.2019 passed by the Daman and Diu Coastal Zone Management Authority (DDCZMA) has to be executed/implemented.

Before the District Administration could implement the said order, Shri Naresh Ranchhod Tandel and Shri Suresh Rachhod Tandel filed a Civil Appeal (6644/2019) in Hon'ble Supreme Court in the matter of Shri Naresh Ranchhod Tandel & Anr Vs The Daman and Diu Coastal Zone Management Authority. Hon'ble Supreme Court vide its order dated 2.9.2019 directed to maintain status quo.

The Daman and Diu Coastal Management Zone Authority after deliberation decided not to process the proposal.

AGENDA ITEM NO.9: ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIRMAN, DDCZMA

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. 539490 Dated 4.10.2019 .


(Rakesh Minhas),
Member Secretary,
Coastal Zone Management Authority,
Daman & Diu,
Daman.

No. PCC/DDCZMA/Meetings/2019-20/ 355

Dated : 07/10 /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.