

c/484

**MINUTES OF THE XITH DDICZMA MEETING HELD AT 10.30 A.M. IN THE CHAMBER OF THE HON'BLE ADMINISTRATOR/CHAIRMAN DDICZMA ON 17/03/2003 AT SECRETARIAT, DAMAN.**

The following members were present:

- 1.) Shri. Arun Mathur, Hon'ble Administrator/ Chairman, DDICZMA.
- 2.) Shri. B. S. Sajwan, Conservator of Forests.
- 3.) Shri. G. Srivastav, Collector, Daman.
- 4.) Shri. Chandrashekhar, Chief Town & Country Planner.
- 5.) Shri. N. J. Mistry, Professor Env- Engg, RECollege, Surat.
- 6.) Shri. H. B. Chauhan, Representative of Space Research Center, Ahmedabad.
- 7.) Shri. R. N. B. Rao, Member Secretary, DDICZMA.

The following Special Invitees were present :

- 1.) Shri. A. K. Paitandy, Development Commissioner, DD & DNH.
- 2.) Shri. R. K. Srivastav, Commissioner & Secretary ( Finance), DD & DNH.

Hon'ble Administrator, Daman & Diu and DNH welcomed all the members and the special invitees. The detailed agenda as circulated was explained to the members by the Member Secretary and after due deliberation on the agenda the following decisions were taken.

1.) **AGENDA—I**

**APPROVAL FOR FORWARDING REVISED CZMP NOTIFICATION AND CZMP MAP BASED ON THE REPORT OF THE DEVELOPMENT COMMISSIONER, DD & DNH, DAMAN.**

- 1.) The DDICZMA in its IXth meeting had accepted the report of Development Commissioner on CZMP of Daman. As a follow up action for submission of recommendations of Development Commissioner on CRZ to NCZMA for amendment of CZMP of Daman, it is felt necessary that a comprehensive area specific plan of proposed development is needed to be drawn indicating the activities that can be permitted in different areas and those that should not be permitted with in CRZ. The plan should also incorporate the



details of the existing violations, extent of regularization required and implications thereof. This entire exercise should be completed expeditiously by a 3 member committee comprising the Collector Daman, Chief Town Planner and the Member Secretary, DDICZMA and a power point presentation on the proposed amendment of CZMP Notification should be made by the Member Secretary before the DDICZMA within a month.

2.) To have an effective and proper presentation of the case before NCZMA the Member Secretary, DDICZMA should consult the concerned authority in the Ministry of Environment and Forests to find out the exact mode and the details required to be furnished to NCZMA for considering the proposal for amendment of CZMP notification on Daman.

3.) While discussing the matter on violation in CRZ areas it was noted that in the IX<sup>th</sup> DDICZMA meeting a sub-committee under the Chairmanship of Development Commissioner was made for examining and furnishing a report on all cases of violations of CRZ norms. Hence it is felt that the committee should take appropriate action for submitting report on all individual violations. Pending finalization of the revised CZMP no constructions in violation of existing CZMP should be allowed. All the concerned authorities should be informed accordingly.

**( Action : Development Commissioner, DD & DNH, Collector, Daman, Chief Town Planner and Member Secretary, DDICZMA)**

2.) **AGENDA—2**

**APPEAL FILED BY M/S. WONDER WORLD RESORTS.**

The agenda is deferred as the proposal to be submitted to the Ministry under Agenda I will have a bearing on this case.

3.) **AGENDA—3**

**DECISION ON M/S. SUZLON BEACH RESORT.**

M/s. Suzlon Beach Resorts in Ghogla , Diu falls in CRZ—II as per CZMP notification of Diu. M/s. Suzlon Beach Resorts is situated adjoining to Magico Do Mar Tourist Complex at Ahmedpur, Mandvi Beach, Gujarat. Part of the



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construction of M/s. Suzlon Beach Resorts falls in the line of construction of Magico Do Mar. The Managing Director, Tourism Corporation of Gujarat limited vide his letter NO. IE/CRZ/A' Mandvi/34 dated 4/4/2002 has informed that the Magico- Do-Mar's compound wall towards the seaside, the garage and the terrace were constructed during the year 1984—85 and the 3 storey building during the year 1988-1990.

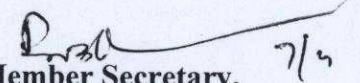
As the Magico – Do – Mar was constructed prior to issue of CRZ Notification in the year 1991, the extent of construction of M/s. Suzlon Beach Resorts within the line of main building of Magico Do Mar shall be a permissible activity as per the provisions of CRZ—II. However the portion of construction outside the line of construction of Magico Do Mar shall be illegal. Hence the following decisions were taken.

- (a). The line of construction of Magico Do Mar towards M/s. Suzlon Beach Resorts parallel to the high tide line, should be got demarcated through the Collector Diu.
- (b). The construction of M/s. Suzlon Beach Resorts towards the landward side of the line of construction of Magico Do Mar should be allowed subject to clearance required from other agencies if any.
- (c). The portion of construction of M/s. Suzlon Beach Resorts ~~if any~~ towards sea ward side from the demarcated line of construction of Magico – Do- Mar should be got demolished.

Necessary orders on the appeal should be passed by the Member Secretary, DDICZMA.

**( Action : Collector, Diu and Member Secretary, DDICZMA)**

The meeting ended with a vote of thanks to the Chairman.

  
Member Secretary, 7/4  
DDICZMA.

No. Pcd/DMN/CZMA/CZMA-meeting/1/99-1/99-2000/04  
dt:- 8/11/2003.



**Copy to :-**

1. The Conservator of Forests,  
DD & DNH,  
Daman.
2. Dr. Shailesh Nayak,  
Space Application Center,  
Ahmedabad.
3. The Head of Department,  
Environmental Engineering,  
Regional Engineering College,  
Surat.
4. The Collector,  
Daman
5. The Chief Town & Country Planner,  
Town Planning Department,  
Moti Daman.
6. The P. S. to the Hon'ble Administrator,  
DD & DNH,  
Daman.
7. The Collector,  
Diu.
8. The Development Commissioner,  
DD & DNH,  
Daman.
9. The Finance Commissioner,  
DD & DNH,  
Daman.
10. The Managing Director,  
O I D C,  
Daman.



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**MINUTES OF 12<sup>th</sup> MEETING OF DDCZMA HELD ON 30/03/2005 AT  
3.30 P.M. IN THE CHAMBER OF HON<sup>BLE</sup> ADMINISTRATOR  
DAMAN, DIU & DADRA & NAGAR HAVELI.**

The following were present :-

1. Shri Arun Mathur - Administrator/Chairman DDICZMA
2. Shri Richard D'Souza - Conservator of Forests, Daman, Diu & Dadra & Nagar Haveli.
2. Dr. N.J. Mistry - CED, S.V. Institute of Technology, Surat.
3. Shri Prakash P. Parmar - Chief Town & Country Planner, Daman.
4. Shri S.S. Kandpal - Deputy Conservator of Forests Daman & Diu,  
Daman/ Member Secretary DDICZMA.

At the onset the Chairman welcomed all Members and asked the Member Secretary to explain in detail the enclosed Agenda. After discussion following decisions were taken:

**Item No. 1.**

**CONFIRMATION OF MINUTES OF 11<sup>TH</sup> MEETING OF DDCZMA:-**

The Minutes of 11<sup>th</sup> Meeting of DDCZMA were approved by all the Members, with further modifications to the extent that decisions to be taken in this meeting about the issues which were decided in the the last meeting with certain changes need to be incorporated.

**Item No. 2.**

**PETITION REGARDING M/S. SUZLON BEACH RESORT, GOGLA, DIU:**

The matter was discussed in detail and members approved the issue of the order which was placed as Annexure 'B' in agenda, with certain modifications :-

The line of construction of Magico Da Mars towards M/s. Suzlon Beach Resort parallel to High Tide Line should be got demarcated through Collector, Diu & Member Secretary DDCZMA.

The order will be signed by Member Secretary DDCZMA on behalf of DDCZMA. A copy of this approved order is placed at Annexure 'A'.


It was also decided that after demarcation of line on the ground a report is to be submitted to DDCZMA in its next meeting.

**Item No. 3.**

**DECLARATION OF RESERVE FOREST AREAS IN DAMAN AND THEIR  
STATUS AS PER CZMP :-**

It was observed that following areas in Daman have been declared as Reserve Forests vide notification dated 17/12/2001 and have consequently become CRZ-I areas because of these being adjacent to the Arabian sea.

- 1) 9.9 ha of village Devuka.
- 2) 8.56 ha of village Jampore.
- 3) 5.45 ha of village Dholar.

 The Members also considered the fact that all the three areas have Casuarina Plantations raised by Forest department, which do not have any species diversity. These areas definitely serve as a buffer for protection of ingress from Sea in event like Tsunami etc. The members noted that



Daman is a small territory (72 Sq.Km) and that there is a shortage of land for building houses & for other developmental activities and by virtue of declaring these areas as Reserve Forests and the same becoming CRZ - I, ( in these areas from H.T.L. upto 500 Mtrs area becomes No Development Zone), the problem has further been compounded. Thus a large chunk of land will be unavailable for development. However, these areas which now have been declared as Reserve Forests also need to be protected fully. It was therefore decided that from the boundary of Reserve Forests upto 50 Meters or upto 500 Meter line whichever is less may be declared as No Development Zone and the CZMP modified to that extent.

In case of 50 meters Line, which will be parallel to boundary of the said Reserve Forest, the area beyond this line will continue to be governed by the original categorization of CRZ norms, which in all the three cases at present is CRZ - III.

It was further decided that the above decision of DDCZMA be forwarded to National Coastal Zone Management Authority for approval so that the same can be incorporated in Coastal Zone Management Plan of Daman dated 29/11/1996.

However, it was made clear that till the above matter is finally approved by National Coastal Zone Management Authority, all the three areas should continue to be governed under CRZ - I norms.

**Item No. 4.**

**REPORT OF EX - DEVELOPMENT COMMISSIONER SHRI A. K. PAITANDY ABOUT DDCZMA :-**

The matter was discussed in detail, and it was decided that Conservator of Forests in his next visit to Delhi may get the details from the concerned Joint Secretary of Ministry of Environment & Forests, regarding making of proposal for change of CRZ categorization in Daman & Diu. Accordingly the matter may be processed for submitting to National Coastal Zone management Authority.

**Item No 5.**

**MATTER RELATED TO WONDER WORLD RESORTS LTD.**

M/s. Wonder World Resorts have represented to DDCZMA for allowing the construction of their project which was originally approved by Ministry of Environment and Forests vide order dated 08/11/1994 in village Dholar covering Survey Nos. 112, 113/1, 113/2 and 122. The Collector Daman vide letter dated 6<sup>th</sup> March 1997 had stopped the work of the Project for getting clarification from Central Government regarding the project in view of the Supreme Court Judgment.

Subsequently M/s. Wonder World Resorts approached the Government of India, who advised them vide letter No. J-19011/13/92-1A-III dated 23/05/2001 that they may approach the U.T Administration, for consideration of their case. Similar letter was also received from Ministry of Environment and Forests dated 04/03/2004, by the U.T. administration.

The matter has been examined and it is found that due to the notification dated 17/12/2001 the said project area in Dholar is adjacent to Reserve Forest and falls in CRZ-I. However, this matter has been dealt in Item. No. 03 above in this meeting, therefore a view regarding CRZ categorization (if need to be changed), can be taken after decision is received from National Coastal Zone Management Committee. Further it has been observed that part of survey No. 122 falls in Reserve Forest area. It was decided that the Deputy Conservator of Forests, Daman may get the said



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area surveyed with the help of Survey Department of Collector Daman, and submit a report in the next meeting of DDCZMA, so that a final decision may be arrived at.

**Item No. 6.**

**DEMARCATON OF HTL ON GROUND IN DAMAN AND ALSO SURVEY & DEMARCATON OF HTL IN DIU.**

It was agreed that Chief Hydrographer, Government of India, Dehradun be requested to translate his report about Daman on ground.

Further it was also decided that Chief Hydrographer, Government of India, Dehradun be requested to conduct the Survey for demarcation of HTL, LTL, 500 Mtrs line, 200 Mtrs Line on ground in respect of Diu.

**Item No. 7.**

**INTERPRETATION OF CLAUSES OF CRZ NOTIFICATION.**

The Agenda items submitted by Collector, Daman were discussed in detail. Following clarifications have been given by the Committee.

**1. "Tradition rights and Customary uses" such as existing fishing villages and gaothans:-**

It is correct that while interpreting traditional rights and customary uses only inhabitants of that particular gaothans should be considered for construction of residential premises. But it is clarified that selling /buying right of land of any person in existing fishing villages & gaothans to any other person should remain, and the person buying the land should only construct residential premise (dwelling unit) keeping in mind all other rules/laws applicable including the rules of Coastal Regulation Zone.

**2. Regarding CRZ-III (ii) it is clearly mentioned in that clause that with prior approval of MEF construction of hotel/beach resorts for temporary occupation of tourists/visitors is permitted.....**

Whereas CRZ III (iii) clearly mentions that total number of dwelling units shall not be more than twice the number of existing units.....

The above will clarify the query of Sl. No. (2) of the agenda.

**3. The year for counting the "existing units" should be 1991 i.e. the year when the CRZ notification was issued.**

**The meeting ended with thanks to chair.**

**Member Secretary DDCZMA,  
Daman.**



SEVA Gurjari Kanooni Sahay Samiti

Petitioner

VERSES

Suzlon Beach Resort

Respondent

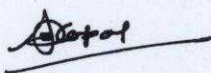
Mr. Jayant Yagnik

for Appellant

Mr. Bhupendra Khakar for Respondent

JUDGEMENT

1. The appellant had filed a petition before the Hon'ble Mumbai High Court challenging the construction work carried by Respondent. The challenge to the construction of building by the Respondent on the plot in question, which is owned by the Government, Union Territory of Daman and Diu is in the light of the provisions of The Environment Protection Act, 1986 and Notifications issued there under by the Government of India dated February 19, 1991.
2. Petitioner is Charitable Trust, registered as a Public Charitable Trust under Bombay Public Trust Act, Gujarat.
3. The instant application was filed on 01/12/1999 by the petitioner challenging construction of Hotel building at a distance of less than 500 meters of HTL in Goghla Area, which is under category of CRZ-II. The petitioner has attached copies of notification dated 19/02/1991, circular dated 10/06/1996, issued by Member Secretary, CRZ committee, Daman.
4. Before filling this application before DDCZMA Daman, the petitioner had filed writ petition before the Hon. Bombay High Court.
5. The main ground raised by the appellant relate to the provisions of CRZ applicable to the area covered under CRZ II which are as under :-
  - i. The Respondent has violated the provisions of Environment (Protection) Act 1986 and rule 5(3) (d) of Environment (Protection) Act 1986 and Notification dated 19/02/1991.
  - ii. The respondent has constructed a huge building at a distance not more than 20/30 meter from HTL, a hotel complex and resort and the construction is being carried out by the respondent without permission of Diu Municipal Council. The Collector, who has granted permission, is also guilty of committing serious breach of CRZ Scheme, which is of a statutory character.





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- iii. The petitioner had joined (i) Union of India, (ii) Collector, Diu, (iii) Goghla village Panchayat, (iv) Chief Executive Engineer, PWD, Diu, (v) Junior Town Planner, Diu, and (vi) Administrator of Daman and Diu as Respondents.
6. This case before the Hon. Mumbai High Court was decided on 27.08.1999 and petition was dismissed on a single ground that "In view of the constitution of Daman and Diu Coastal Zone Management Authority in terms of order dated 26/11/1998 (S.O. 998/E) which inter alia, empowers the said authority to inquire into cases of alleged violations on the facts and circumstances of the present case, we decline to entertain the Petition as Public Interest Writ Petition. It will be for the petitioner to approach the appropriate authority. In this view, Petition is dismissed".
7. The Petitioner, after getting order of Hon. Mumbai High Court, Approached us and whole copy of Writ Petition is filled before us. The Petitioner in its written submission and personal hearing, argued and stated following observation over and above stated in Para 5 of this order.

The brief facts of the application are :-

- a. That there are no dilapidated structures ever existed or even existing in the site on which the construction activity is being carried under the guise of renovation and/or refurbishment.
- b. That the construction activity, which is being carried out, is a new construction at a distance of not more than 15 meters from the HTL and this construction is being done on the seaward side of the road.
- c. That the respondent has not taken any approval of CRZ Management Authority nor the other approvals required to carry out any construction on the site.
- d. That the hearing held on 04/01/2001 by the Appellate Committee was consisting of officials of Daman and Diu with the Administrator in the capacity of Chairman have a bias hence request that said matter should be heard alongwith the Members who are not the officials of Daman and Diu administration.
8. Respondent Mr. Bhupendra Khakhar, appearing on behalf of the respondent, gave two written submission denying all the allegations of the Petitioner and also argued:
- a. That they are lessee of the Government Property. Lease Agreement and proceedings of handing over were signed by the Collector, Diu and Director of Suzlon Hotels Limited.
- b. That the proceedings of handing over duly signed by the Collector, Diu and various papers related to Building, Plant and Machineries, Furniture and Dilapidated Structures were signed by the Officials of Collector Diu. Thus, the Collector and other Officials of Collector office, Diu confirmed the existence of these Dilapidated Structures.

Capital



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- c. That the respondent was given permission to repair/alter/add these dilapidated structures vide Collectors approval dated 14/05/1998 and these drawing were passed by CRZ Committee, Diu.
- d. That respondent, after receiving this permission, re-started construction activities on the dilapidated structures which were upto the plinth level. Since the technical opinion of the Structural Engineer clearly stated that dilapidated structure would not sustain the load of the steel and other building material to be put on it, the respondent removed the dilapidated structures.
- e. During the pendency of the case before Hon. Mumbai High Court, the respondent thought it advisable to apply to Diu Municipal Council for necessary permission. The respondent applied to said council two times for this permission. Their requests were turned down by the Municipal Council, first on the ground that the matter is pending before the Hon. Mumbai High Court and on second occasion giving reasons that not a single plan for construction of Government was submitted earlier to the Diu Municipal council and that Diu Municipal Council has never approved the plan for any construction activities on government Building in Municipal Area since de-linked from Goa.
- f. That after getting back the papers from Diu Municipal Council and since the Hon. Mumbai High Court vacated the stay, the Respondent re-started the construction activities.
- g. That the construction activities have been stopped since 10/01/2000 due to passing of stay order by Diu Municipal Council under instruction of the Collector, Diu.
- h. That the norms of regulation of activities as per the Coastal Regulation Zone related to CRZ II notification dated 09/07/1997 reads like this.  
"Building shall be permitted only on the landwards side of the exiting roads or on the landwards side of existing authorized structures. Buildings permitted on the landward side of the existing and proposed road/existing authorized structures shall be subject to the existing local town and country planning regulations including the existing norms of floor space index/floor area ratio"  
There is no specific restriction about the distance in meters from HTL for the construction of the building. Any new building can be constructed on the landward side of existing structure i.e. the existing wall. The collector of Diu has filed an affidavit before The Hon. Bombay High Court confirming that the compound wall was constructed somewhere in 1992 and that fencing was available and it was considered as the existing structure.
- i. That the definition of structure is given in section 2(2) of Gujarat Municipal Act, 1963 and Bombay Provincial Municipalities Act, 1949 in Section 2(5)

Dr. K. S. Patel



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and it includes any hut, shed or other enclosure whether used as a human dwelling or for any other purpose and shall include walls including compound walls and fencing, verandahs, fixed platforms, plinths, door steps and the like.

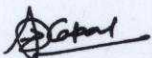
The word structure is also defined in the Law Lexicon by Justice T.P. Mukherji as "every building is a structure though every structure is not a building and the word structure can be applied to a wall or shed or any other substantial reaction for which the word building cannot be used. (AIR 1924, Lahore, 1972).

Therefore any construction on the landward side of compound wall cannot be said to be an un-authorized construction particularly when these plans have been approved by CRZ Committee, Diu.

- j. That respondent has started these construction activities at a distance of not less than 50 meter from HTL
- k. That construction within 200 meters of HTL can be carried out towards landward side of the existing structure and if there is any existing structure in the adjoining area, an imaginary line should be drawn parallel to the HTL line. The Respondent submitted Judgment given by Hon. Mumbai High Court in writ Petition Number 469 of 1996. The Respondent also argued that in absence of any information, imaginary line can also be drawn from the compound wall of building known as Magico-Do-Mar owned by Gujarat Tourism Corporation Limited, Ghandhinagar.
- l. The Respondent submitted a copy of the Judgment of Mumbai High Court in case of Kishan Mehta and others V/S state of Maharashtra and others (No. 469 of 1996). The Respondent, in its written submission and during arguments put much trust on the following paras of this judgement.  
"In the absence of factual particulars in the Writ Petition, we have necessarily to rely upon the factual particulars mentioned in the affidavit in reply filed on behalf of the Municipal Corporation and its Commissioner"  
In present case, the affidavits of Collector, Diu in relation of the fencing in existence before 1992 must be relied.

9. The Committee has heard the arguments put by the Petitioner and the respondent and have carefully noted the contents given in their written submissions and the Committee then considered the arguments put by both the parties and the details of documentary evidence produced by both the parties before the Committee along with the written arguments. After considering these arguments in the light of documentary evidence produced on record the Committee observed as under :-

- a. The arguments placed by the petitioner are mostly related to the provisions of the Act and few notifications issued by the Central government. The reference on accusation made by the petitioner cannot be within the





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purview of DDICZMA. The main question is whether the building under construction is legal or illegal or whether the building under construction is as per the provision of CRZ-II or not. The relevant rules as applicable in this case in CRZ-II as per the CRZ notification is as under :-

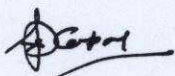
- i. Building shall be permitted neither on the seaward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) nor on seaward side of existing authorized structures. Building permitted on the landward side of the existing and proposed road/existing authorized structures shall be subject to the existing local Town and Country Planning Regulation including the existing norms of FSI/FAR.
- ii. Reconstruction of the Authorized building to be permitted subject to the existing FSI/FAR norms and without change in the existing use.
- iii. The design and Construction of building shall be consistent with the surrounding landscape and local architectural style.
  - b. A special attention must be drawn to the circular of September 08'1998 issued by Government of India in the Ministry of Environment and Forest relating to the provisions of construction under CRZ-II category and explanation to the words Imaginary Line and Existing Authorized Structure referred in the judgment of Bombay High Court.
  - c. To consider the case of imaginary line, the committee thought it fit to get more information about the existing structure prior to the enactment of Coastal Regulation Zone in relation to the adjoining property commonly known as Magico-Do-Mar.
  - d. A letter was issued to the Managing Director, of Gujarat Tourism Corporation Limited on 25.02.2002 asking for the details of date and year of construction of adjoining building known as Magico-Do-Mar.
  - e. In reply to our letter, the Managing Director, of Gujarat Tourism Corporation Limited vide letter dated 04-05/04/2002 informed the Member Secretary, DDCZMA and PCC that "Property such as compound wall towards the seaside, garage, terrace were constructed in the year 1984-85 and three storied building was constructed during 1988 to 1990. But finishing work like plaster, flooring, interior work taken up during 1993-94".
  - f. Since there is clear Judgment about the imaginary line, there is no necessity to decide the merits of existence of dilapidated structures.
  - g. The committee relied on the Judgment in case of Kishan Mehta (Supra). The relevant part in the Judgment is in para number 29 of the Judgment, which say that "The notifications of 19/02/1991

Kapal



permits building on the landward side of the existing and proposed roads and existing authorized structures. The notification does not define the term 'landward side' or 'seaward side'. In the said judgment this has been clarified by the Government of India as a monitoring and enforcing agency. The letter of 08/09/1998 clearly stipulates that the construction towards the seaward side should not go beyond the imaginary line drawn from the seaward side of the existing authorized structure on the adjoining plot and that the imaginary line will be parallel to the High Tide Line. Thereafter, Clause (iv) places restriction as to the extent which such a parallel imaginary line could be drawn by providing that the building to be constructed will be restricted to the single plot immediately abutting/adjoining the existing authorized structure".

10. In view of Judgment of Hon'ble Bombay high Court (Supra), as the compound wall, garage and three storied building of Magico -Do- Mar was constructed prior to issue of CRZ Notification in the year 1991, imaginary line can be drawn from the main building to the line of Suzlon Beach Resort.
11. In the XI<sup>th</sup> DDCZMA meeting it was concluded that M/s. Suzlon Beach resort in Goghla, Diu falls under CRZ-II as per CZMP notification of Diu. M/s. Suzlon Beach Resorts is situated adjoining to Magico-Do-Mar Tourist Complex at Ahemdpur, Mandavi, Beach, Gujarat. Part of the construction of M/s. Suzlon Beach Resort falls in the line of construction of Magico-Do-Mar. the Managing Director, of Gujarat Tourism Corporation Limited vide letter No. IC/CRZ/A Mandavi/34 dated 04-05/04/2002 has informed that the Magico-Do-Mars compound wall towards the seaside, the garage and the terrace were constructed during the year 1984-85 and the three storey building during the year 1988-1990.
12. Since the Magico-Do-Mar was constructed prior to the issue of CRZ Notification in the year 1991, the extent of construction of M/s. Suzlon beach resort within the line of main building of Magico-Do-Mar shall be permissible activity as per the provisions of CRZ-II. However the portion of construction outside the line of construction of Magico-Do-Mar shall be illegal.





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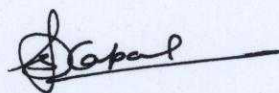
### ORDER

The line of construction of Magico-Do-Mar towards M/s. Suzlon Beach Resort, parallel to the High tide Line should be got demarcated through the Collector, Diu and Member Secretary DDCZMA.

The construction of M/s. Suzlon Beach Resort towards landward side of the line of construction of Magico-Do-Mar should be allowed subject to clearance required from other agencies, if any.

The portion of construction of the respondent, if any, towards seaward side from the demarcated line of construction of Magico -Do Mar should be got demolished.

In the circumstances, appeal is dismissed as devoid of merit.



MEMBER SECRETARY  
DDCZMA  
FOR DDCZMA, Daman.

Date 8/04/05

DCF/DMN/DDCZMA Meeting-Part/11

Dated :- 08/04/2005



C/2

**MINUTES FOR 13<sup>th</sup> MEETING OF DDCZMA HELD ON 24/08/05**

**AT 3:30 P.M.**

The following were present:-

- |                           |   |  |
|---------------------------|---|--|
| 1. Shri Richard D'Souza   | - | Conservator of Forests/Secretary Forests, Daman, Diu & Dadra & Nagar Haveli- Chairman DDICZMA. |
| 2. Dr. N.J. Mistry        | - | CED, S.V. Institute of Technology, Surat.  |
| 3. Shri Prakash P. Parmar | - | Chief Town & Country Planner, Daman & Diu  |
| 4. Shri S.S. Kandpal      | - | Deputy Conservator of Forests Daman & Diu, Daman/ Member Secretary DDICZMA.                    |

At the outset Chairman welcomed all the Members and thereafter asked the Member Secretary to explain each item in detail as per Agenda enclosed. After discussion following decisions were taken:

**Item No. 1**

**CONFIRMATION OF MINUTES OF 11<sup>TH</sup> MEETING OF DDCZMA:-**

The Minutes of 11<sup>th</sup> Meeting of DDCZMA were approved by all the Members.

While discussing the issue of report of Ex-Development Commissioner Shri A.K.Paitandy about the change of CRZ categorization in Daman the committee felt that a detailed map & a CD with Power Point Presentation about the changes to be made in CZMP of Daman, be prepared so that same can be forwarded to National Coastal Zone Management Authority for consideration. The Committee felt that Collector, Daman may get the Maps & CD prepared and submit the same to this committee.

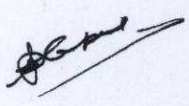
**Item No. 2.**

**MATTER RELATED TO WONDER WORLD RESORTS LTD:**

The matter was discussed in details with following facts:

1. The Ministry of Environment and Forest vide office memo No. J-19011/13/92-IA.III dated 8<sup>th</sup> Nov, 1994, and No. J-19011/13/92-IA. III dated 04/01/1995 has given Environmental clearance for the Resort cum Amusement Park complex at Sr. No. 112, 113/1, 113/2 and 122 and 123/1 in village Dholar, Moti Daman, Daman, to M/s. Wonder World Resorts Ltd (now onwards to be referred as Party) subjected to certain conditions as had been mentioned in these letters.
2. The construction activities were started by the Party and two structures were completed in the said area.
3. The Collector, Daman issued a direction to the Party dated 4<sup>th</sup> Oct, 1996 to stop the unauthorized construction on the ground that said construction was not permissible under CRZ notification of 1991 and the Supreme Court Judgment dated 18<sup>th</sup> April, 1996. Collector, Daman also asked the Party to explain why action should not be taken against them under Environmental Protection Act, 1986.
4. The Collector after considering the reply submitted the by Party withdrew the notice dated 4<sup>th</sup> Oct., 1996, vide his order dated 6/10 March, 1997 informing that the existing construction in the said property in village Dholar was found to be authorized and not violating the provision of Environmental Laws. However, the party was directed to maintain status-quo and not to carry out any further construction until Central Government gives necessary directions based on the judgment of the Supreme Court.



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5. The Party took up the matter with the Ministry of Environment & Forests. Who vide its letters dated 20/11/1998 and dated 23/05/2001, informed them to approach the U.T. of Daman & Diu for consideration of their case on the basis of the legal opinion of Law Department of Daman & Diu.
  6. The Party approached the U.T. Administration for clearance of their case.
  7. The legal opinion was obtained from Government Prosecutor for U.T. of Daman & Diu Mr. Anoop V. Mohta, who submitted his opinion dated 22/02/2001.
  8. The Government Prosecutor opined that the Daman & Diu Coastal Zone Management Authority is the competent authority to consider on merit the submission raised by the Party. He further opined that judgments are generally prospective in nature unless mentioned otherwise. He has further mentioned that though the notification which created the rights had been set aside but no specific provision or observation are made about the rights already created or accrued in pursuance of the said notification, prior to the declaration and or knowledge of the SCJ. He further opined that
    - a) In view of the Judgment reported in 1995 Suppl. (1) SCC 271 (Rangarao Vs. Kamlakant) and in view of 1997 (3) SCC 2621 the "competent authority" has to take into consideration the above judgment before passing any appropriate order on merit "Para quoted" "No Judgment of any Court can have any retrospective operation because that is plenary power of Parliament (Legislature as well)." The Courts do not have such power."
    - b) It is for the Coastal Zone Management Authority to pass appropriate order, in the circumstances, in the interest of public as well as, Administration of U.T. as Daman is also tourist center of U.T. (Daman).
  9. The Regional office of Ministry of Environment & Forests at Bhopal vide its letter No. 6-7/94 (Env)/35-29 dated 27/11/2001 asked the Administration of Daman & Diu for submitting status report of the projects including Amusement Park Complex at Dholar (the Party) and the report regarding the compliance of the conditions stipulated by the Ministry.
  10. The Daman & Diu Administration submitted the status report on 04/04/2002.
  11. It is to mention that the project boundaries are found to be adjacent to Dholar Reserve Forest.
  12. DDCZMA in its 12<sup>th</sup> Meeting referred the matter of reclassification of area around the project site to National Coastal Zone Management Authority in view of the fact that 5.45 ha area at Dholar was declared as Reserve Forest on 17/12/2001.
  13. National Coastal Zone Management Authority in its meeting held on 08/06/2005 clarified that the proposal needs no reclassification since the Union Territory has incorrectly interpreted the CRZ notification and clarified that only areas of ecological sensitivity should be classified as CRZ-I.. Therefore in view of this clarification the CRZ classification of the project area remains unchanged.
  14. During the recent survey done by the Forest Department Daman, it has been reported that certain area of the project of the Party, mainly in Survey No. 122 is part of Dholar Reserve Forest.
  15. The Party in its letter dated 28/03/2005 addressed to Member Secretary DDCZMA has requested for clearing of the Project, and said that "till the matter is finally decided regarding the boundaries of Reserve Forest, status of Survey No. 122, we are ready to give an assurance of not having any construction on the part/portion of Survey No. 122" and allow them for completion of the project.
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Keeping in view all the above facts the Committee Members felt that the Party has suffered unnecessary for long time, and also from the letter dated 27/11/2001, received from Regional office of Government of India as mentioned at Sl. No. 9 above, it has become clear that Ministry did not withdraw the Environmental Clearance of the Amusement Park Complex at Dholar, in view of Supreme Court Judgment dated 18<sup>th</sup> April 1996 in the matter of Indian Council of Enviro-Legal Action V/s the Union of India.

Therefore in view of clarification given by Ministry of Environment & Forests, GOI and also in view of legal opinion tendered by Government Pleader this Committee clears the project for further execution as per the Environment clearance granted & the terms & condition mentioned therein by the Ministry of Environment & Forest in its Memo No. J-19011/13/92-IA.III dated 08/11/1994 and Memo Dated 04/01/95. However the party i.e. M/s. Wonder World Resorts Ltd. will leave the land of Dholar Reserve Forest (some parts of Survey No. 122 & 123), which has been wrongly included in the Project area. The demarcation of Dholar Forest area will be done by the Forest Department Daman, with the approval of Administration and M/s. Wonder World Resorts will execute their Project in the balance area after leaving the area of Dholar Reserve Forest, as per the terms & conditions of Environmental clearance given by the Ministry of Environment & Forests.

**Item No. 3. Change of Coastal Regulation Zone Category in Diu.**

The Committee after detailed discussion agreed for amendment in the Coastal Zone Management Plan of Diu dated 26/11/1996 in Sl. No. II(XI) as follows :-

“Within the Diu Municipal Limits, the areas in Diu town are classified as CRZ – II.”

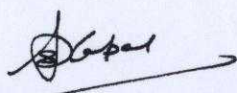
It was further decided that the above amendment be forwarded to National Coastal Zone Management Authority for approval.

**Item No. 4.**

**The proposal of Smt. Hiralaxmi Shashikant R/o Naida, Diu.**

The Member Secretary produced a letter received from Smt. Hiralaxmi Shashikant R/o Naida, Diu regarding clearing of their area under the CRZ norms for construction of house. However after perusal of the proposal it was found that the proposal was rejected by the Collector, Diu without assigning any reason. The Committee therefore decided to return the proposal to the Collector, Diu for passing a reasoned order in the matter and if the party remains still aggrieved then she may approach this Committee for redressal.

The meeting ended with thanks to the chair.

  
Member Secretary DDCZMA,  
Daman.



**MINUTES FOR 14<sup>th</sup> MEETING OF DDCZMA HELD ON  
21/11/05 AT 2:30 P.M. IN THE CHAMBER OF CHAIRMAN  
DDCZMA/CONSERVATOR OF FORESTS AT MOTI DAMAN.**

The following were present:-

- |                           |   |   |
|---------------------------|---|---|
| 1. Shri Richard D'Souza   | - | Conservator of Forests/Secretary Forests,<br>Daman, Diu & Dadra & Nagar Haveli-<br>Chairman DDCZMA. |
| 2. Dr. N.J. Mistry        | - | CED, S.V. Institute of Technology, Surat.   |
| 3. Mr. H.B. Chauhan       | - | Space Application Centre Ahmedabad.   |
| 4. Dr. M. Modassir        | - | Collector, Daman.   |
| 5. Shri Prakash P. Parmar | - | Chief Town & Country Planner, Daman<br>&Diu   |
| 6. Shri S.S. Kandpal      | - | Deputy Conservator of Forests Daman &Diu<br>Daman/ Member Secretary DDICZMA.                        |

At the outset Chairman welcomed all the Members and thereafter asked the Member Secretary to explain each item in detail as per Agenda enclosed. After discussion following decisions were taken:

**Item No. 1 CONFIRMATION OF MINUTES OF 13<sup>TH</sup> MEETING OF  
DDCZMA:-**

The Minutes of 13<sup>th</sup> Meeting of DDCZMA were approved by all the Members with modification that in **Item No. 1 confirmation of minutes** minutes of 12<sup>th</sup> meeting of DDCZMA are confirmed instead of 11<sup>th</sup> meeting of DDCZMA.

**Item No. 2. Changes in classification of Coastal Regulation Zone Areas in  
Coastal Zone Management Plan of Daman :-**

The matter of reclassification of Coastal Regulation Zones of Daman District were discussed by the members in detail. It was felt that the report of Ex-Development Commissioner needs to be further recast and specific recommendations are to be brought in the form of modification in the Coastal Zone Management Plan, so that the Committee can deliberate upon the matter further. The Committee recommended that U.T. Administration may form a Committee, which will examine the matter further and if required do public hearing and submit its report, so as to submit a precise report to the NCZMA.

**Item No. 3. Proposal received from Daman & Diu administration for  
construction of Shopping Centre & Multi purpose Hall at Goghla, Diu.**

The matter was examined by the Committee in detail. It was found that in the minutes of meeting of Coastal Regulation Zone Committee, Diu on date 17/08/2001, it is recorded that the area is at a distance of 50 mtrs from Creek. The CRZ Committee Diu is further requested to clarify if it is permissible as per norms of CRZ-II and the description of other buildings etc. in the area may also be given, so that the matter can be decided accordingly.



**Item No. 4. Matters related to Screening from CRZ angle :-**

Agenda item was discussed in detail by the members of the committee. The matter of construction of Residential-cum-Commercial-Hotel Building in Survey No 4/1 of Damanwada was examined in view of the following documents submitted by Daman Municipal Council:

1. The letter written to Chairman CRZ Committee, Collectorate Daman No.4/3-221/89-90/DMC/7737/04-05 dated 24/02/2005 by Daman Municipal Council(Annexure -V of the Agenda item).
2. The letter of Municipal Engineer No.4/3-221/89-90/DMC/2359/05-06 dated 09/11/2005 and its enclosures (Annexure -VII of the Agenda item).
3. The letter of Municipal Engineer No.4/3-221/89-90/DMC/2450/05-06 dated 18/11/2005(Annexure -IX of the Agenda item).

It was observed from the documents submitted by the Daman Municipal Council that the Construction Licence and permission for construction was granted by DMC vide their letter Dated 06/04/90, i.e. prior to the initial CRZ notification which came into effect on 19/02/1991. It was also observed that in 2004 & 2005 the Construction Licence and permission for construction was further renewed by the Daman Municipal Council(DMC). Committee observed that from the correspondences received from DMC it appears that the building was under construction all these years. Daman Municipal Council has further stated that the permission was granted by them after taking NOC from the Damanwada Panchayat at the relevant time.

It is also seen that though the said building was within 200 mtrs from High Tide Line, but since the construction started prior to 1991, hence the area as such may not attract the provisions of the CRZ. The DMC, has in their letter No.4/3-221/89-90/DMC/2359/05-06 dated 09/11/2005, mentioned that construction was approved on 16/04.1990 and actual construction works commenced immediately, therefore CRZ is not applicable to the construction in question.

In the light of above the Committee is of the view that the Construction Licence and permission for construction granted by DMC vide their letter Dated 06/04/90, i.e. prior to the initial CRZ notification which came into effect on 19/02/1991, and as per their report (DMC) the construction commenced immediately, therefore the structure may be treated as a plan permitted by the Local Body before 19/02/1991.



**Item No. 5: Change of CRZ Zone at Moti Daman.**

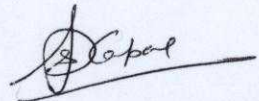
Member Secretary, DDCZMA produced a letter No.COL/DMN/CRZ/Part-II/04-05/2772 dated 21/11/2005 received from Collector, Daman.

Collector Daman, who was present in the meeting, explained that "Ganchiwad Gauthan and land bearing Sy. Nos. 4,5,6,7,8 & 9 of village Damanwada (upto Dholar Char Rasta) towards Western side of the Arabian Sea" has been included in the Daman Municipal Council. Therefore this area may be included in CRZ-II instead of CRZ-III. The Committee members agreed to the proposal. After detailed discussion, in view of the fact that the area is already well developed, is having all the basic amenities for further development the Committee agreed to recommend the following modification in Coastal Zone Management Plan of Daman No. DCF/DMN/200-III/96-97/739 dated 29/11/1996. in Sl. No. II (VI) & II (VII), which may be modified as follows :-

**In Moti Daman area from South of Daman Ganga River upto the Dholar Char Rasta i.e. upto the Southern Municipal limits (as notified in 2005) is classified as CRZ.II,**

and the matter be forwarded to NCZMA for approval.

As there was no other item for discussion the meeting ended with thanks to the chair.



Member Secretary DDCZMA,  
Daman.

No. DCF/DMN/DDCZMA Meeting-Part/393

Dated : 25/11/2005



**MINUTES FOR 15<sup>th</sup> MEETING OF DDCZMA HELD ON 21/06/06**  
**AT 4:30 P.M. IN THE CHAMBER OF CHAIRMAN**  
**DDCZMA/SECRETARY FORESTS AT SECRETARIAT, MOTI**  
**DAMAN.**

The following were present:-

- |                           |   |  |
|---------------------------|---|--|
| 1. Shri Dharmendra        | - | Development Commissioner/Secretary Forests,<br>Daman, Diu & Dadra & Nagar Haveli: Chairman |
| 2. Dr. N.J. Mistry        | - | CED, S.V. Institute of Technology, Surat.  |
| 3. Shri M. R. G. Reddy    | - | Conservator of Forests,<br>Daman, Diu & Dadra & Nagar Haveli.                              |
| 4. Dr. M. Modassir        | - | Collector, Daman.  |
| 5. Shri Prakash P. Parmar | - | Chief Town & Country Planner, Daman & Diu  |
| 6. Shri S.S. Kandpal      | - | Deputy Conservator of Forests Daman &<br>Diu. Daman: Member Secretary                      |

Following were the special invitee:

1. Shri P. Kulkarni- Secretary Law, Daman, Diu & Dadra & Nagar Haveli.

At the outset Chairman welcomed all the Members and thereafter Agenda for the meeting was taken up for the discussion. After discussion following decisions were taken:

**Item No. 1. CONFIRMATION OF MINUTES OF 14<sup>TH</sup> MEETING OF DDCZMA:-**

The Minutes of 14<sup>th</sup> Meeting of DDCZMA were approved by all the Members.

**ITEM NO. 2. CONSTRUCTION OF FISH LANDING CENTRE AT GOGHLA, DIU.**

The proposal received from Collector Diu for CRZ clearance for construction of Fish Landing Centre at Goghla, Diu was discussed by the committee.

The techno economic feasibility report for construction of fish landing Centre at Goghla Diu, as prepared by Central Institute of Coastal Engineering for Fishery (CICEF), Bangalore, which was submitted to the Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, New Delhi vide letter No. 5-5/100/97-CEF dated 17<sup>th</sup> November 2005 was also perused by the Committee.

After detailed discussion the Committee members felt that augmentation of facilities of existing fishing jetty at Goghla Diu, as suggested by CICEF, Bangalore are essential. However it was felt that before this proposal is forwarded to Ministry of Environment & Forest for CRZ clearance (as per the clause 3.2 (ii) of CRZ notification) the Fisheries Department, Diu will get the Environmental Impact Assessment carried out of the project. The suggestions of EIA report will be agreed to by the user agency. In view of above discussion the following are the decisions taken by the Committee :-

1. The project of Fish Landing Centre at Goghla, Diu is agreed to by the DDCZMA for forwarding the same to the Ministry of Environment & Forests (MOEF), Government of India for clearance under CRZ norms (provision 3.2 (ii) of CRZ notification). However, before forwarding the project to the Ministry of Environment & Forests, Government of India, Fisheries Department, Diu will get an Environmental Impact Assessment carried out of the project.
2. The recommendations of EIA report will form part of the recommendations of Daman & Diu Coastal Zone Management Authority. The EIA report will also be enclosed while forwarding the project proposal to the Ministry of Environment & Forests Government of India for clearance



**ITEM NO. 3. CONSTRUCTION OF FISHERY HARBOUR AT VANAKBARA, DIU.**

The proposal received from Collector Diu for CRZ clearance for construction of Fishery Harbour at Vanakbara, Diu was discussed by the committee.

The techno economic feasibility report for construction of Fishery Harbour at Vanakbara, Diu as prepared by Central Institute of Coastal Engineering for Fishery (CICEF), Bangalore, which was submitted to the Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, New Delhi vide letter No. 5-5/108/97-CEF dated 9<sup>th</sup> January 2006 was also perused by the Committee.

After detailed discussion the Committee members felt that augmentation of existing facilities at Vanakbara Diu, as suggested by CICEF, Bangalore are essential. However it was felt that before this proposal is forwarded to Ministry of Environment & Forests for CRZ clearance (as per the clause 3.2 (ii) of CRZ notification) the Fisheries Department, Diu will get the Environmental Impact Assessment carried out of the project. The suggestions of EIA report will be agreed to by the user agency. In view of above discussion the following are the decisions taken by the Committee :-

1. The project of Fishery Harbour at Vanakbara, Diu is agreed to by the DDCZMA for forwarding the same to the Ministry of Environment & Forests (MOEF), Government of India for clearance under CRZ norms (provision 3.2 (ii) of CRZ notification). However, before forwarding the project to the Ministry of Environment & Forests, Government of India, Fisheries Department, Diu will get an Environmental Impact Assessment carried out of the project.
2. The recommendations of EIA report will form part of the recommendations of Daman & Diu Coastal Zone Management Authority. The EIA report will also be enclosed while forwarding the project proposal to the Ministry of Environment & Forests Government of India for clearance under Coastal Zone Regulations.

**ITEM NO. 4 :- CONSTRUCTION OF C.T. SCAN CENTRE AND OTHER FACILITIES AT GOVERNMENT HOSPITAL MARWAD, NANI DAMAN.**

The proposal for CRZ clearance as applied by the Executive Engineer, PWD, Daman vide report No. PWD/DMN/SD-II/E-21226/670 dated 17/09/2005 for construction of C.T. Scan Centre with ICCU Unit, Dialysis Unit and Doctor's Rooms in Survey No. 20, Government Hospital, Marwad, Nani Daman was discussed in detail by the Committee. It is observed that the said area on which the construction permission has been asked falls in CRZ-III. As per the report submitted by the Assistant Engineer PWD Daman it is seen that with the present proposal included the F.S.I. of Marwad Hospital Complex will be 32.68%.

The following documents were considered by the Committee :-

1. The report No. PWD/DMN/SD-II/E-21226/670 dated 17/09/2005 of Executive Engineer, PWD, Daman. As per the report it is seen that with the present proposal included the F.S.I. of Marwad Hospital Complex will be 32.68%. The proposal is for the construction of ground floor (550 Sq.M.) only.
2. The letter No. ATP/DMN/CRZ/REPORT/05-06/235 dated 19/10/2005 of I/C. Architect Planner. As per the letter the major portion of the plot in which the project is considered for construction falls between 200 m to 500 m from HTL.
3. The Minutes of District level Screening Committee meeting held on 01/05/2006 issued vide



4. Letter No. DMHS/GDH/2006-07/1216 dated 21/06/2006 of Director Medical Health Services, Daman & Diu stating among other points that there is no Government land/suitable land available in the Municipality area of Marwad for construction of the proposed facilities.

In View of the documents mentioned above the Committee cleared the proposal of Executive Engineer, PWD, Daman for construction of C.T. Scan Centre with ICCU Unit, Dialysis Unit and Doctor's rooms in Survey No. 20, Government Hospital Marwad as has been applied subject to the condition that no construction will be carried out in the part of the plot falling between 0 to 200 meter from H.T.L.

**ITEM NO. 5: INTERPRETATION OF CRZ NORMS**

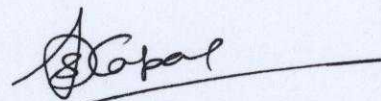
Collector Daman vide his letter No. COL/DMN/CRZ/Part-II/04-05/1031 dated 15/06/2006, has stated that there has been confusion about the interpretation of the following clause while processing the cases under CRZ norms:-

CRZ-(iii) "Traditional rights and customary uses, such as existing fishing village and goathans permitted so long as it is within the ambit of traditional rights and customary uses such as "existing fishing village" and goathans".

In the letter it is pointed out that fishing village denotes a loose entity wherein it is not very clear whether the village in this case (for allowing construction etc. permission under CRZ-III norms) means the boundaries of that particular village which is a fishing village or it only indicates a hamlet inside the village where the fishermen/villagers live. It has further been mentioned that the parties/their advocates advance arguments that CRZ permission in a village need not be confined to hamlet/residential area, but it can be anywhere in the village so long as it is technically within the boundaries of that particular village.

The members of the Committee examined the issue in detail. In view of its consequences on being decided either way the committee decided that the matter may be clarified from National Coastal Zone Management Authority, Ministry of Environment & Forests Government of India, New Delhi.

As there was no other item for discussion the meeting ended with thanks to the chair.



Member Secretary DDCZMA,  
Daman.



c/566  
c/117

**MINUTES OF THE 16<sup>TH</sup> MEETING OF DDCZMA HELD ON 29/03/2007 AT 11.30  
A.M. IN THE CONFERENCE HALL, SECRETARIAT,  
DAMAN.**

No. DCF/DMN/DDCZMA Meeting/Part/2005/40

Dated :- 13/04/2007.

The following officers were present in the meeting

1. Shri Dharmendra  
Development Commissioner/  
Secretary Forests, Daman, Diu and Dadra &  
Nagar Haveli, Daman.
2. Shri M.R.G. Reddy  
Conservator of Forests,  
DD & DNH.
3. Dr. N.J. Mistry  
Head of Department,  
Department of Environmental Engineering,  
S.V. Institute of Technology,  
Surat.
4. Shri Vikas Anand  
Collector,  
Daman.
5. Shri Prakash P. Parmar  
Chief Town & Country Planner,  
Town Planning Department,  
Moti Daman.
6. Shri Kamal Datta  
Deputy Conservator of Forest,  
Daman.

At the outset the Chairman, DDCZMA welcomed all the members to the meeting and thereafter the agenda items were taken up for discussion. The summary record of the proceedings of the meeting is as follows :-

**1. Item No. 1 :- Confirmation of minutes of the 15<sup>th</sup> meeting of DDCZMA.**

All the members of DDCZMA perused the minutes of the 15<sup>th</sup> meeting of DDCZMA and confirmed its contents. In the 15<sup>th</sup> meeting of DDCZMA it was decided that the Fisheries Department will get the Environmental Impact Assessment carried out for the projects of Construction of Fish Landing Centre at Goghla, Diu and Construction of Fishery Harbour at Vanakbara, Diu. The Environmental Impact Assessment report has not yet been received by DDCZMA and consequently the aforesaid project proposals could not be forwarded to Ministry of Environment & Forest for clearance under CRZ norms. It was therefore decided that a reminder be sent to Fisheries Department under intimation to the Collector, Diu.

**2. Item No. 2 :- Demarcation of High Tide Line in Daman district.**

Based on the request of DDCZMA Shri Kedar R. Gharat, Assistant Manager, Infrastructure Leasing and Financial Services Ltd. made a presentation before the DDCZMA on the procedure of marking High Tide Line on the toposheet of Daman district by using GIS software. He explained that for this purpose he has used the Survey of India toposheet of Daman district which is in 1 : 25000 scale, the map showing the High Tide Line of Daman



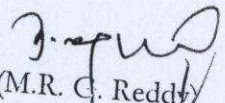
C/564

district prepared by National Hydrographic Office which is also in 1 : 25000 scale and the several reference point given in the survey report of the National Hydrographic Office, and has superimposed the map prepared by National Hydrographic Office on the Survey of India toposheet of Daman district after Geo-referencing them to prepare a new map which is basically the toposheet of Daman district having the High Tide Line marked over it. However he further explained that as the Survey of India toposheet has been prepared based on the datum Everest 1967, and the map of the National Hydrographic Office and the location of the reference points as mentioned in the survey report of the National Hydrographic Office is based on a different datum i.e. WGS 1984, there will be certain error in the resultant map prepared by superimposing the aforesaid maps. The matter was discussed in detail and it was decided to request to change the datum of the Survey of India toposheet to WGS 1984 by using GIS software, so that the datum of all the base maps becomes the same and then superimpose the said maps on one another to prepare the resultant map which will have the Survey of India toposheet as base map with the High Tide Line marked over it. It was further decided that once this map is prepared by using GIS software, the same will be informed to the Administration so that various Departments can utilize the same further.

**3. Item No. 3 :- Non attendance of Dr. Shailesh Nayak, of Space Application Centre, Ahmedabad in the DDCZMA meeting.**

Dr. Shailesh Nayak of Space Application Centre, Ahmedabad who is a member of the DDCZMA, has not attended the last several meetings of DDCZMA. The Chairman, DDCZMA therefore desired that a reminder may be sent to Space Application Centre, Ahmedabad for deputing the member.

The meeting ended with vote of thanks to the chair.

  
(M.R. G. Reddy)  
Conservator of Forests/  
Member Secretary,  
DDCZMA.



c/64

**AGENDA FOR 12<sup>th</sup> MEETING OF DDCZMA TO BE  
HELD ON 30/03/05 AT 3:30 P.M.**

**Item No. 1**

**CONFIRMATION OF MINUTES OF 11<sup>TH</sup> MEETING OF DDCZMA:** The minutes of 11<sup>th</sup> Meeting of DDCZMA held on 17/03/2003 are placed at **Annexure 'A'** which may be treated at fair & correct.

**Item No. 2.**

**PETITION REGARDING M/S. SUZLON BEACH RESORT, GOGLA, DIU:** M/s. Sewa Gurjari Kanooni Sahay Samithi filed a Writ petition in Mumbai High court during 1999 against M/s. Suzlon Beach Resort and Collector Diu & Administration of Daman & Diu etc. were also made respondents. However, High Court Mumbai directed the petitioner to approach DDCZMA for re addressal of grievances.

Accordingly M/s. Sewa Gurjari Kanooni Sahay Samithi filed the petition, through its advocate Mr. Jayant Yagnik, before DDCZMA on 1/12/1999. The petition pertains to allegation against the management of M/s. Suzlon Beach Resort, Goghla, Diu for violation of CRZ norms and also violation of existing building norms. M/s. Suzlon Beach Resort, Diu belongs to Tourism Department of U.T. Administration of Daman & Diu and has been leased out to M/s. Suzlon hotels Ltd., Ahmedabad by Collector Diu for a period of 20 years, renewable for a further period of 10 years. The Hotel was constructed in 1986.

The petition of M/s. Sewa Gurjari Kanooni Sahay Samithi was included as Agenda item from 2<sup>nd</sup> Meeting onwards of DDCZMA till last meeting ( 11<sup>th</sup> meeting). In between personal hearing of both the parties were also completed by DDCZMA. In the last meeting held on 17/03/2003 the matter was placed for orders and DDCZMA passed the following orders :-

- a. The line of construction of Magico Da Mars towards M/s. Suzlon Beach Resort parallel to the High tide line should be got demarcated through the Collector Diu.
  - b. The construction of M/s. Suzlon Beach Resort towards the landward side of the line of construction of Magico-Do-Mars should be allowed subject to clearance from other agencies if any.
  - c. The portion of construction of M/s. Suzlon Beach Resort towards seaward side from the demarcated line of construction of Magico-Do-Mar should be got demolished.
- Necessary orders on the appeal should be passed by the Member Secretary, DDCZMA.

Accordingly an order was prepared & was placed for approval of Hon'ble Chairman (the copy of the order is enclosed as **Annexure -'B'**).

While processing the matter the following points emerged :

1. In this case, in want of imaginary line drawn on map and in absence of the details of building plans whether it is as per the existing FSI norms, the decision are subjective and conditional and would not stick to the scrutiny of law.



- c/62
2. It is essential and necessary that the concerned authority delineates the imaginary line on the ground and should file the documents before the Authority (DDCZMA) about the actual status of the structure in question vis-à-vis imaginary line which will be continuous and uninterrupted by creek and other water bodies.
  3. The concerned authority (Collector Diu) should also file a written submission before the authority along with the details of building plan and design etc. regarding these being with the then existing norms. A copy of such norms should also be provided to the authority.
  4. There is doubt about the classification of area in zone CRZ- II. Since the question replacement and renovation in CRZ - II has no relevance, its mention in the draft order it self is confusing and misleading. In the report of Space Center, Ahemdabad, the same area has been shown as mangrove areas in satellite pictures which make it in Zone - I. This question is of larger interpretation and may affect very foundation of the decision. The CRZ Screening Committee for the District of Diu should also do ground truth verification of satellite imagery and submit its findings. If required help of Space Centre Ahemdabad may be taken.
  5. The order will be passed by DDCZMA and not by its Member Secretary.
  6. Further there was a case booked against the lessee about illegal removal of the trees. The case has been compounded, and fine has been imposed on M/s. Suzlon Beach Resorts.
- In view of above the matter is placed before the members for further decision.

### Item No. 3.

**DECLARATION OF RESERVED FORESTS AREAS IN DAMAN AND THEIR STATUS AS PER CZMP:** - Costal Zone management Plan was notified by U.T. Administration of daman & Diu vide No. DCF/DMN/200-II/96-97/739 dated 29/11/1996. Under Sl. No. IV. I(a) all Reserved Forests have been declared as CRZ - I areas.

U.T. Administration of Daman & Diu vide its Notification No. DCF/DMN/FD-RF/2001-2002/438 dated 17/12/2001 (Copy enclosed as **Annexure - 'C'**) has declared following areas as Reserve Forests :-

1. 9.9 ha of village Devuka .
2. 8.56 ha of village Jampore.
3. 5.45 ha of village Dholar.

All the three areas are situated adjacent to Arabian Sea.

By virtue of CZMP notification dated 29/11/1996 these areas has become CRZ - I areas. Further CRZ notification Dated 19/02/91 also mentions that all Reserve Forest areas are to be categorized as CRZ-I areas. It is to mention that all these areas are Casurina plantations raised by Forest Department Daman and there is hardly any other species of plants available. These are man made Forests, and U.T. administration for better protection of these areas have declared them as Reserved Forests. It is further pointed out that, all the



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three places as mentioned above no where the width of these areas is 500 Meter or more, infact it is smaller. Adjacent to these areas are private properties. As Daman is small place and there is scarcity of land for further development, therefore Daman cannot afford to declare these areas as CRZ – I. The original categorization of all these areas are CRZ – III.

Now, it is proposed that these Forest patches will be preserved as per Forest Laws but land beyond boundary of Reserve Forests (other side of High Tide Line) will continue to be developed as per the norms of CRZ – III. (the original categorization ). However if agreed certain area after boundary of Reserve Forest can be left as buffer zone (a strip of 50 Mtrs), which may please be decided.

If above is agreed then same with or without modification can be forwarded to National Coastal Zone Management Authority for approval.

#### Item No. 4. :-

**REPORT OF EX – DEVELOPMENT COMMISSIONER SHRI A. K. PAITANDY ABOUT DDCZMA :-** A copy of the report dated 14/08/2002 is enclosed as **Annexure – ‘D’**. Members are requested to peruse the report. The main recommendation of the report is given at page 15 to 17 of the report under the heading Recommendation on the basis of confirmed findings. The main recommendation under Sl. No. 4 is that entire coastal area from Kadaiya to Jampore should at least be classified under Coastal Regulation Zone – II and not under CRZ-I or III, with some exceptions.

The present position is as given below :-

- i. Along the rivers (Kolak, Daman Ganga and Kalai), creeks backwaters, the CRZ area having mangroves and mudflats are classified as CRZ-I and in these areas, the extent of CRZ will be 100 m or upto the width of the mangroves and mudflats whichever is higher. If there are no mangroves/mudflats, the extent of CRZ will be 100 m or width of river creek or backwater is less.
- ii. All mangroves with an area of 1000 square meters or more would be classified as CRZ-I with buffer Zone of at least 50 mts.
- iii. The sea shore where Kolak river meets the sea is classified as CRZ-I.
- iv. From the area marked in map as CRZ – I, up to Daman distillery in Nani Daman the area is classified as CRZ-III.
- v. Area south of Daman distillery up to Daman Ganga river in Nani Daman classified as CRZ-II.
- vi. In Moti Daman, area from South of Daman Ganga River upto the Moti Daman Police Station is classified as CRZ – II.
- vii. The area from Moti Daman Police Station to the Southern Municipal Limits, is classified as CRZ – III, from the HTL eastward upto the main road. Area east of the road classified as CRZ – II.
- viii. Both Moti Daman and Nani Daman forts are classified as CRZ-I, with a No Development Zone of 200 mts.



With respect to Jampore Bay, developments and activities will be undertaken only after demarcation of High Tide Line by Chief Hydrographer of India.

It is to mention that due to coming up of notification of Reserve Forest area following areas has become CRZ – I :-

1. 9.9 ha of village Devuka .
2. 8.56 ha of village Jampore.
3. 5.45 ha of village Dholar.

By virtue of declaring Jampore as Reserved Forest it falls in CRZ – I category.

In view of recommendation of ex-Development Commissioner and also the present situation given above the matter may please be deliberated upon further.

## ITEM No 5.

### MATTER RELATED TO WONDER WORLD RESORTS LTD.

1. The Ministry of Environment and Forest vide office memo No. J-19011/13/92-IA.III dated 8<sup>th</sup> Nov, 1994 has given environment clearance for the resort cum Amusement park complex at Sr. No. 112, 113/1, 113/2 and 122 in village Dholar, Moti Daman, Daman, subjected to certain condition.
2. The environment clearance was issued by the Ministry based on the Amended CRZ Notification dated 18<sup>th</sup> Aug, 1994.
3. The construction activities were started and two structures completed in the said area.
4. The Supreme Court has passed a judgment dated 18<sup>th</sup> April 1996 in the matter of Indian Council of Enviro-Legal Action V/s the Union of India in writ petition No. 664 of 1993 & quashed the earlier amendment on CRZ dated 18<sup>th</sup> Aug, 1994 empowering the Central Government to permit construction within 200 mtrs. of no development zone.
5. The Collector, Daman has issued a direction dated 4<sup>th</sup> Oct, 1996 to stop the unauthorized construction as the said construction is not permissible under CRZ notification of 1991 and the Supreme Court Judgment dated 18<sup>th</sup> April, 1996.
6. The Collector after considering the reply submitted by M/s. Wonder World Resort Ltd. has withdrawn the notice dated 4<sup>th</sup> Oct., 1996, informing that the existing construction in the said property is found to be authorized and not violating the provision of Environmental Laws. However they were directed to maintain status-quo and not to carry out any further construction until Central Government gives necessary directions based on the judgment of the Supreme Court.
7. The matter was taken up with the Ministry who in turn advised to approach the law dept. of U.T., Daman & Diu. ( Letter of Ministry of Environment & Forests dated 23/05/2001 is placed at **Annexure - 'E'** ).
8. The matter was referred by the Law department to the Govt. pleader, Advocate Anoop V. Mohta who opined that 'no where specifically taken away the rights which



were already created or accrued based on the decision taken by the authority prior to the date of the judgment by Hon. Supreme Court in the above said matter. He further opined quoting the judgment reported in 1995 SUPPL (i) SCC 271 (Rangarao V/s Kamalkant) and in view of 1997 (3) SCC 2621. the "Competent Authority" has to take into consideration the above judgments before passing any appropriate order on merit "Para Quoted" No judgment of any court can have any retrospective operation because that is plenary power of parliament (legislature as well). The courts do not have such power". It further opined that Coastal zone Management Authority to pass appropriate order in the circumstances.

9. M/s. Wonder World Resorts Ltd has represented for clearance of their case and their latest representation is dated 27/05/2003 and is placed at **Annexure - 'F'** which may please be perused. Their contention is that they have got all the clearances and have not violated any law.
10. The letter dated 6<sup>th</sup> March 1997 (Placed as **Annexure - 'G'**) of Collector Daman may please be perused. It states that "due to recent judgement of the Hon'ble Supreme Court of India, unless Central Government gives necessary direction, you are directed to maintain status - quo and not carry out any further construction".

It is to mention that M/s. Wonder World Resort Project falls within 0 to 200 Meters from High Tide Line. The area where the project falls was demarcated as CRZ-III when permission was granted. As has been mentioned in Sl. No. 4 above the said amendment was struck down by Supreme Court in 1996.

The question to be decided is whether the project can be allowed to be carried further as its construction was stopped at preliminary stage in 1996 quoting the Supreme Court order.

The following facts have emerged subsequently.

The area in Dholar adjacent to Sea has been declared as Reserve Forest vide notification dated 17/12/01 (Placed at **Annexure 'C'**). As per the CRZ notification of 1991 all Reserve Forests are to be categorized as CRZ - I. Therefore at present the said project area falls within CRZ-I. However, this matter has been put up for discussion separately above as Item No. 03.

Further from recent preliminary survey it has come to notice that part of Survey No. 122 (the whole survey number is the part of the said project) has subsequently been notified as Reserve Forest. However, this needs to be confirmed that how much area of the Survey Number 122 falls in Reserve Forest. If agreed Collector, Daman may be requested to get the entire Dholar Reserve Forest area surveyed through its land survey team, with Forest Department Daman and co-opting the surveyor from Forest Department Silvassa, and submit a report to this Committee.

It is pointed out that this matter was differed in the last meeting of DDCZMA on the basis that categorization of CRZ areas in Daman is being changed/reviewed and it will have bearing on this project. As has been mentioned above the area of the project falls in CRZ-I, and also part of the project land is part



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of Reserve Forest, therefore keeping in view all the circumstances a suitable decision may please be taken.

**Item No. 6 :-**

**DEMARCATON OF HTL ON GROUND IN DAMAN AND ALSO SURVEY & DEMARCATON OF HTL IN DIU.**

The Coastal Zone Management Plan for Daman and Diu was issued vide notification dated 29/11/1996 & 26/11/1996 respectively. One of the General condition mentioned in both the Management Plans is that U.T. Administration shall delineate LTL, HTL, 200 Mtrs, 500 Mtrs and other relevant lines in respect of Creeks, backwaters and rivers affected by tidal action so as to measure the distance whenever required.

For delineation of High Tide Line in Daman as per the approval of DDCZMA survey was conducted by the office of Chief Hydrographer, Dehradun in the year 1998 and for the work they were paid Rs.31,60,000/-

The data submitted by them are needed to be actually demarcated in ground based on their Survey. Therefore we may request the same to Chief Hydrographer Dehradun.

Further it may be decided to conduct a similar study for Diu also and if agreed we may request Chief Hydrographer, GOI, Dehradun to execute the work. U.T. Administration of Daman & Diu may be requested to provide the necessary funds for the same.

**Item No. 7 :-**

**INTERPRETATION OF CLAUSES OF CRZ NOTIFICATION.**

Collector Daman vide his letter dated 10/03/2005 has submitted an agenda for the meeting which is enclosed as **Annexure – 'H'**.

He has sought interpretation of Norms for Regulation of activities under CRZ – III clause (iii).

The matter is submitted for discussion and decision please.



2

**AGENDA FOR 13<sup>th</sup> MEETING OF DDCZMA TO BE HELD ON**  
**24/08/05 AT 3:30 P.M.**

**Item No. 1**

**CONFIRMATION OF MINUTES OF 12<sup>TH</sup> MEETING OF DDCZMA:** The minutes of 12<sup>th</sup> Meeting of DDCZMA held on 30/03/2005 are placed at **Annexure 'A'** for further discussion and confirmation.

**Item No. 2.**

**MATTER RELATED TO WONDER WORLD RESORTS LTD.**

1. The Ministry of Environment and Forest vide office memo No. J-19011/13/92-IA.III dated 8<sup>th</sup> Nov, 1994 has given environment clearance for the resort cum Amusement park complex at Sr. No. 112, 113/1, 113/2 and 122 in village Dholar, Moti Daman, Daman, subjected to certain condition.
2. The environment clearance was issued by the Ministry based on the Amended CRZ Notification dated 18<sup>th</sup> Aug, 1994.
3. The construction activities were started and two structures completed in the said area.
4. The Supreme Court has passed a judgment dated 18<sup>th</sup> April 1996 in the matter of Indian Council of Enviro-Legal Action V/s the Union of India in writ petition No. 664 of 1993 & quashed the earlier amendment on CRZ dated 18<sup>th</sup> Aug, 1994 empowering the Central Government to permit construction within 200 mtrs. of no development zone.
5. The Collector, Daman has issued a direction dated 4<sup>th</sup> Oct, 1996 to stop the unauthorized construction as the said construction is not permissible under CRZ notification of 1991 and the Supreme Court Judgment dated 18<sup>th</sup> April, 1996.
6. The Collector after considering the reply submitted by M/s. Wonder World Resort Ltd. has withdrawn the notice dated 4<sup>th</sup> Oct., 1996, informing that the existing construction in the said property is found to be authorized and not violating the provision of Environmental Laws. However they were directed to maintain status-quo and not to carry out any further construction until Central Government gives necessary directions based on the judgment of the Supreme Court.
7. The matter was taken up with the Ministry who in turn advised to approach the law dept. of U.T., Daman & Diu. ( Letter of Ministry of Environment & Forests dated 23/05/2001 is placed at **Annexure - 'B'**).
8. The matter was referred by the Law department to the Govt. pleader, Advocate Anoop V. Mohta who opined that 'no where specifically taken away the rights which were already created or accrued based on the decision taken by the authority prior to the date of the judgment by Hon. Supreme Court in the above said matter. He further opined quoting the judgment reported in 1995 SUPPL. (i) SCC 271 (Rangarao V/s Kamalkant) and in view of 1997 (3) SCC 2621. the "Competent Authority" has to take into consideration the above judgments before passing any appropriate order on merit "Para Quoted" No judgment of any court can have any retrospective operation because that is plenary power of parliament (legislature as well). The courts do not have such power". It further opined that Coastal zone Management Authority to pass appropriate order in the circumstances. (The legal opinion is placed at **Annexure-G**).



- C/2
9. M/s. Wonder World Resorts Ltd has represented for clearance of their case and one such representation is dated 27/05/2003 and is placed at **Annexure - 'C'** which may please be perused. There contention is that they have got all the clearances and have not violated any law.
10. The letter dated 6<sup>th</sup> March 1997 ( Placed as **Annexure - 'D'**) of Collector Daman may please be perused. It states that "due to recent judgement of the Hon'ble Supreme Court of India, unless Central Government gives necessary direction, you are directed to maintain status - quo and not carry out any further construction".

It is to mention that M/s. Wonder World Resort Project falls within 0 to 200 Meters from High Tide Line. The area where the project falls was demarcated as CRZ-III when permission was granted. As has been mentioned in Sl. No. 4 above the said amendment was struck down by Supreme Court in 1996.

The question to be decided is whether the project can be allowed to be carried further as its construction was stopped in 1996 quoting the Supreme Court order.

In the last meeting of DDCZMA held on 30/03/2005 it was decided that the said project areas falls in CRZ-I due to it being adjacent to Dholar Reserve Forest. The matter was referred to National Coastal Zone Management Authority, and they have clarified ( **Minutes at Annexure -E**) that beyond the boundary of Reserve Forest the original categorization continues to hold, which means the status of project land remains to be CRZ - III.

Further in the last meeting it was observed that part of Survey No. 122 may fall in Reserve Forest Area. The matter was got examined from City Survey Department of Daman, as per their report 0.70 ha land of Survey No. 122 falls in Reserve Forest area (**Annexure-F**). However another Committee has been formed for ground truthing of the report submitted by the City Survey Department. It is to mention that City Survey Department Daman is not doing, and has refused for the ground truthing of the map, and the map prepared by them is a mere superimposition on the revenue map. After ground truthing if any area of the project is found to be part of the Reserve Forest then same may be deleted from the project area.

The matter is placed for further decision.

### **Item No. 3. Change of Coastal Regulation Zone Category in Diu**

A proposal has been received from Collector Diu, vide his letter dated 26/07/2005 placed at **Annexure- H**.

The proposal is for change of Zone from CRZ-III to CRZ -II from Hospital (Church) to DMC/Bhuharwada Village Boundary. This area falls within Municipal Limits.

Therefore an amendment is proposed in Coastal Zone Management Plan of Diu dated 26/11/1996 in Sl. No. II (IX). After amendment Sl No. II (IX) will read as follows :-

"Within the Diu Municipal Limits, the areas in Diu town are classified as CRZ - II."

The proposal is submitted for approval with or without modification and further sending to NCZMA for approval. The CZMP of Diu is placed at **Annexure - J**.

### **Item No. 4. Any other item with the permission of Chairman.**



**AGENDA FOR 14<sup>th</sup> MEETING OF DDCZMA TO BE HELD ON 21/11/05 AT 2:30 P.M IN THE CHAMBER OF CHAIRMAN DDCZMA/CONSERVATOR OF FORESTS AT MOTI DAMAN .**

**Item No. 1**

**CONFIRMATION OF MINUTES OF 13<sup>TH</sup> MEETING OF DDCZMA :-**

The Minutes of 13<sup>th</sup> Meeting of DDCZMA which was held on 24/08/05 were circulated vide No DCF/DMN/DDCZMA Meeting-Part/2004-05/271 dated 08/09/05 to all the members of the Committee. No comments etc were received. The minutes are enclosed as **Annexure-I**. It is pointed out that while recording the minutes, in Item No. 1 confirmation of minutes, it is recorded that minutes of 11<sup>th</sup> Meeting of DDCZMA are approved. Though the minutes of 12<sup>th</sup> meeting of DDCZMA were approved in the meeting, which is also clear from the Agenda note. Therefore in Item No. 1 the confirmation should be for the minutes of 12<sup>th</sup> meeting of DDCZMA instead of 11<sup>th</sup> meeting of DDCZMA. With this modification minutes may be treated as fair & correct.

**Item No. 2.**

**Changes in classification of Coastal Regulation Zone Areas in Coastal Zone Management Plan of Daman :-**

It is brought to the notice of the Committee members that the report of Ex-Development Commissioner Shri A.K. Paitandy was discussed in 12<sup>th</sup> Meeting of DDCZMA under item No. 4. the relevant extracts of the minutes placed at **Annexure-II** may please be perused. A copy of the report of Ex-Development Commissioner will also be produced at the time of meeting. While confirming the minutes of previous meeting in 13<sup>th</sup> meeting of DDCZMA it was decided that a detailed report may please be prepared by Collector Daman for submitting the same to DDCZMA and afterwards for forwarding to NCZMA.

It is seen that Collector Daman has recently forwarded a map of Daman which shows only the existing Coastal Zone Management Plan of Daman. It appears this cannot serve the purpose as these maps are readily available.

As the reports of Ex-Development Commissioner needs to be converted in the form of CZMP with further rationalization and justification, so that the same arguments could also be presented to NCZMA. It appears appointment of a small Committee for this work may serve the purpose. As this is a long pending demand of public of Daman, so the Committee would like to deal the matter suitably.

**Item No. 3.**

**Proposal received from Daman & Diu administration for construction of Shopping Centre & Multi purpose Hall at Goghla, Diu.**

A file No. 65-242-2001-LND is received from Daman & Diu Administration (members would like to pursue during the meeting). This is a proposal from DMC, Diu for construction of Shopping Centre. It is seen that Coastal Regulation Zone Committee Diu has cleared the case in principle with a condition that before construction, plans will have to be submitted again before CRZ Committee (Minutes enclosed at **Annexure -III**). As per the report of the same Committee the area is CRZ-II and is beyond 500 mtrs from HTL but at a distance of 50 mtrs from Creek. The matter is submitted for further direction.



**Item No. 4.****Matters related to Screening from CRZ angle :-**

It is brought to the notice of the Committee that a report appeared in Savera India Times on 25/10/2005. (*Copy enclosed at Annexure- IV*). The matter was referred to Municipal Engineer, DMC for getting the required information. The Municipal Engineer has first enclosed a copy of letter written to Chairman CRZ Committee, Collectorate Daman i.e. Collector Daman dated 24/02/2005, which is placed at (*Annexure - V*).

However vide letter dated 07/11/2005 (*Annexure-VI*) Municipal Engineer was asked further clarification regarding the violation of CRZ norms by the said structure in Survey No. 4/1 of Damanwada. The reply of Municipal Engineer No. 4/3-221/89-90/DMC/2359/05-06 dated 09/11/2005 is placed at *Annexure -VII*.

The following facts have emerged from the report of DMC:-

1. That the original construction plan was in the name of M/s. Jay Enterprises, Vapi but the present owner is M/s. Highway Services Pvt. Ltd. of Vapi.
2. As per the report the construction plan is approved for the purpose of Residential-cum-Commercial-Hotel Building in April 1990.
3. From the certified copies of maps/plan submitted by DMC it is seen that building is approved upto six floors including ground floor. The plan maps may please be seen by committee at the time of meeting.
4. From the letter dated 09/11/2005 of DMC it appears there was some boundary dispute between DMC & Panchayat and the area in question was also involved into it. However DMC has mentioned that they obtained N.O.C. from Damanwada Panchayat before approving the Sub-Division by DMC (*Sl.No. 3 of letter at Annexure- VII*).
5. The DMC in its letter dated 09/11/2005 at *Annexure -VII* at Sl. No. 5, has stated that the plan was approved on 16/04/1990 and actual construction works commenced immediately. They have further stated that CRZ notification came into effect after 19/02/1991 and construction work commenced much prior to 19/02/1991 and therefore CRZ is not applicable to the construction in question.

The following is submitted in relation to this :-

1. DMC forwarded a copy of news item published on 28/10/2005 in Savera India Times regarding same issue which is placed at *Annexure-VIII*.
2. The said areas where the structure is built falls in CRZ-III and is within 200 Mtrs from High Tide Line.
3. It is seen that DMC renewed construction licence and has extended construction period in between. They have further renewed construction licence for further period of three years w.e.f. 17/04/05. The letter of DMC Dated 18/11/05 is placed at *Annexure-IX* may please be seen/referred.

As at the site it is very difficult to make out when the actual construction was carried out, but from the renewal of construction licence by DMC it appears building was under construction all these years. As per the records submitted by DMC, though the permission to construct was granted by the DMC before 1991 i.e. before the issue of CRZ notification, but while renewing the construction permission DMC should have forwarded the case for clearance from CRZ rules.



It is suggested that Daman Municipal Council & Daman Panchayat Authorities may be directed that they should not approve any construction plans in violation of CRZ norms. Further it should be made compulsory for DMC/Panchayat that either there should be a certificate that the construction Plan does not fall in CRZ Zone or the plan has the appropriate approval of CRZ-Screening Committee before they give the approval. This should also be applicable to cases where permission of construction is extended. If any plan is approved in violation of CRZ norms then cases may be booked against the DMC/Panchayat.

The matter is submitted to the Committee for further direction/deliberation in the matter.

**Any other item with permission from chair.**



c/s:

**AGENDA FOR 15<sup>th</sup> MEETING OF DDCZMA TO BE  
HELD ON 21/06/06 AT 4:0 P.M IN THE CHAMBER OF  
CHAIRMAN DDCZMA/DEVELOPMENT  
COMMISSIONER, AT MOTI DAMAN .**

**Item No. 1 CONFIRMATION OF MINUTES OF 14<sup>TH</sup> MEETING  
OF DDCZMA :-**

The Minutes of 14<sup>th</sup> Meeting of DDCZMA which was held on dated 21/11/05 were circulated vide No DCF/DMN/DDCZMA Meeting-Part/2004-05/394 dated 25/11/05 to all the members of the Committee. No comments etc were received. The minutes are enclosed as ***Annexure-I***. Therefore if agreed the minutes may be treated as fair & correct.

**ITEM NO. 2. CONSTRUCTION OF FISH LANDING CENTRE AT  
GOGHLA, DIU.**

Goghla is a major fishing centre in Diu District. Most people of Ghoghla area are engaged in fishing activities. Earlier a 60m x 6m T-shaped fishing jetty was constructed under centrally sponsored scheme namely "Fishing Harbour facilities at Major and Minor Ports" as per the design of Central Institute of Coastal Engineering for Fishery (CICEF), Bangalore. At present 160 fishing boats comprising 100 number of 11 metre FRP Grill-netters, 40 nos. of 12m bag netters and 20 nos. of 15m trawler are operating from Goghla. About 32 mechanized trawler & Grill-netter are also operating from Diu town. The existing facilities are insufficient for catering the needs of existing fishing activities. The Annual Fish Landing in Diu during year 2005-2006 was 16,475.3 tonnes having a value of Rs. 6051.47 lakhs. Main economically important fish varieties are Pomfret, Ribbon Fish, Jew Fish (Ghol), Dara, Seer Fish, Bombay duck, Hilsa, Sciaenids, Mackerel, Tuna, Perches, Sharks, Prawns/shimps, Lobster, Curtle fishes and Squids etc.

Based on the fishing activities in Ghoghla area, Central Institute of Coastal Engineering for Fishery (CICEF), Bangalore has prepared a Techno Economic Feasibility Report (TEFR) for Goghla Fish Landing Centre, which was submitted to the Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, New Delhi vide letter No. 5-5/100/97-CEF dated 17<sup>th</sup> November 2005 (***Annexure-II***). Copies of Techno Economic feasibility Report for Goghla Fish Landing Centre prepared by CICEF, Bangalore with details of Engineering aspects, Economic evaluation and Drawing & Designs will be made available for examination during the meeting.

The development of Goghla Fish Landing Centre will provide facilities for operation of fishing vessels.

The estimated cost of the proposed Fish Landing Centre at Goghla is Rs. 300.80 Lakhs. The abstract of the cost estimate is placed at ***Annexure-III***.



c/s

CRZ Screening Committee of Diu District has considered the project proposal and same has been forwarded to DDCZMA for consideration. The minutes of the Committee are placed at **Annexure-IV** (item No. 660).

As per the report of District Screening Committee of Diu the area of proposed Jetty falls in CRZ-II, and also between HTL & LTL.

The relevant provisions of CRZ notification are placed at **Annexure-V**.

The matter is submitted for further deliberation by the Committee.

### **ITEM NO. 3. CONSTRUCTION OF FISHERY HARBOUR AT VANAKBARA, DIU.**

Vanakbara is a major fishing centre in Diu District. Most of the population of the area is engaged in fishing activities. Earlier a 160 mts long fishing jetty was constructed by the U.T. Administration which was further extended by another 50 mts under centrally sponsored scheme namely "Fishing Harbour facilities at Major and Minor Ports" as per the design of Central Institute of Coastal Engineering for Fishery (CICEF), Bangalore. Approx. 500 mechanized fishing vessels (MFV) comprising of 290 numbers of Trawlers 70 nos of 15m grill netters and 140 nos of 11 m FRP grill netters are operating from Vanakbara. The existing facilities are insufficient for catering the needs of existing fishing vessels. The Annual Fish Landing in Diu during year 2005-2006 was 16,475.3 tonnes having a value of Rs. 6051.47 lakhs. Main economically important fish varieties are Pomfret, Ribbon Fish, Jew Fish (Ghol), Dara, Seer Fish, Bombay duck, Hilsa, Sciaenids, Mackerel, Tuna, Perches, Sharks, Prawns/shimps, Lobster, Curtle fishes and Squids etc.

Based on the fishing activities Central Institute of Coastal Engineering for Fishery (CICEF), Bangalore has prepared a Techno Economic Feasibility Report (TEFR) for Vanakbara Fisheries Harbour, which was submitted to the Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, New Delhi vide letter No. 5-5/108/97-CEF dated 9<sup>th</sup> January 2006 (**Annexure-VI**). Copies of Techno Economic feasibility Report for Vanakbara Fishery Harbour prepared by CICEF, Bangalore with details of Engineering aspects, Economic evaluation and Drawing & Designs will be made available for examination during the meeting.

The estimated cost of the Vanakbara Fishery Harbour is Rs. 308.3 Lakhs. The abstract of the cost estimate is placed at **Annexure-VII**.

CRZ Screening Committee of Diu District has considered the project proposal and same has been forwarded to DDCZMA for consideration. The minutes of the Committee are placed at **Annexure-IV** (item No. 658).

As per the report of District Screening Committee of Diu the area of proposed Jetty falls in CRZ-III.

The relevant provisions of CRZ notification are placed at **Annexure-V**.

The matter is submitted for further deliberation by the Committee.



**ITEM NO. 4 :- CONSTRUCTION OF C.T. SCAN CENTRE AND  
OTHER FACILITIES AT GOVERNMENT HOSPITAL MARWAD,  
NANI DAMAN.**

Assistant Engineer, PWD, Daman has applied for CRZ Clearance for construction of C.T. Scan Centre with ICCU Unit, Dialysis Unit and Doctor's Rooms in Survey No. 20, Government Hospital, Marwad, Nani Daman. (The Report is placed at **Annexure-VIII**). It is seen that the said area on which the construction permission has been asked falls in CRZ-III. As per the report submitted by PWD Daman it is seen that with the present proposal included the F.S.I. of Marwad Hospital Complex will be 32.68%.

The report dated 19/10/2005 of I/C. Architect Planner is placed at **Annexure-IX**. As per the report major part of the survey No. 20 (total area 26800 SqM) is between 200 m to 500 m from HTL and only part of land having a width of 10m falls within 200m from HTL.

The matter has also been discussed in CRZ Screening Committee meeting held on 01/05/2006 under item No. 32/05. (**Annexure-X**).

The relevant provision of CRZ notification which is Annexure-I, CRZ-III item (iii) is placed as **Annexure-XI**.

The matter is submitted for the deliberation by the Committee.

**ITEM NO. 5 :-ANY OTHER ITEM WITH THE PERMISSION OF  
CHAIR.**



c/5'

ADDITIONAL AGENDA

**ITEM NO. 5: INTERPRETATION OF CRZ NORMS**

Collector Daman vide his letter No. COL/DMN/CRZ/Part-II/04-05/1031 dated 15/06/2006, has stated that there has been confusion about the interpretation of the following clause while processing the cases under CRZ norms:-

CRZ-(iii) "Traditional rights and customary uses, such as existing fishing village and goathans permitted so long as it is within the ambit of traditional rights and customary uses such as "existing fishing village" and goathans".

In the letter it is pointed out that fishing village denotes a loose entity wherein it is not very clear whether the village in this case (for allowing construction etc. permission under CRZ-III norms) means the boundaries of that particular village which is a fishing village or it only indicates a hamlet inside the village where the fishermen/villagers live. It has further been mentioned that the parties/their advocates advance arguments that CRZ permission in a village need not be confined to hamlet/residential area, but it can be anywhere in the village so long as it is technically within the boundaries of that particular village.

The matter is submitted before the Committee for further deliberation/clarification in the matter.



**AGENDA FOR THE 16<sup>TH</sup> MEETING OF DDCZMA TO BE HELD ON  
29/03/2007 IN THE OFFICE CHAMBER OF CHAIRMAN  
DDCZMA/DEVELOPMENT COMMISSIONER AND SECRETARY  
(ENVIRONMENT & FORESTS), DD & DNH.**

**Agenda No. 1 :- Confirmation of minutes of the 15<sup>th</sup> Meeting of DDCZMA**

The minutes of 15<sup>th</sup> meeting of DDCZMA which was held on 21/06/2006 is enclosed as **Annexure-I**. The members of the DDCZMA are requested to peruse the said minutes and confirm its contents as fair and correct.

**Agenda No. 2 :- Demarcation and ground truthing of High Tide Line in Daman district.**

The naval Hydrographic Office, Dehradun in the year 1998 conducted a survey of the Coastal Regulation Zone of the Daman district and prepared a map in 1 : 25000 scale of the Coastal Regulation Zone of this district showing the High Tide Line. However there is no physical demarcation of this High Tide Line on the field even though several reference points have been provided by the Naval Hydrographic Office in their survey report, a copy of which is enclosed as **Annexure-II**. This has resulted in a lot of confusion in the field in implementing the provisions of the CRZ Regulations as the exact locations of the High Tide Line are often in doubt. As per the guidelines issued by the Government of India seven institutes have been authorized by the Central Government to demarcate the High Tide Line in Coastal Regulation Zone. A copy of the said guideline is enclosed as **Annexure-III** for perusal please. A copy of the guideline for demarcation of High Tide Line issued by the Central Government is enclosed as **Annexure-IV** for perusal please. The DDCZMA is requested to deliberate on the issue and take a decision on the matter so that future complicity can be avoided. A presentation has also been arranged to clarify the various technical issues related with the demarcation of the High Tide Line.

**Agenda No. 3 :- Any other item with the permission of the chair.**



c/463

**MINUTES OF THE 10th DDCZMA MEETING HELD AT 10.30 A.M. IN THE CHAMBER OF THE HON'BLE ADMINISTRATOR/CHAIRMAN DDCZMA MEMBER ON 11/11/2002 AT SECRETARIAT, DAMAN.**

The following members were present :

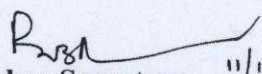
- 1.) Conservator of Forests.
- 2.) Collector, Daman.
- 3.) Collector, Diu.
- 4.) Chief Town & Country Planning.
- 5.) Member Secretary, PCC.

The following invitees were also present :

- 1.) Member of Parliament, Daman & Diu.
- 2.) Finance Commissioner.
- 3.) Development Commissioner.
- 4.) Superintending Engineer, PWD.

The Chairman, DDCZMA welcomed the committee members and the special invitees. A detailed discussion was held on the construction of new bridge across Damanganga River in replacement of the existing bridge connecting Moti Daman & Nani Daman area of Daman District towards 300 meters upstream of Damanganga River from the existing bridge. The committee after due deliberations and considering the fact that construction of bridge falls under permissible activities as per Para- 2 and Sub-Para-VIII of CRZ Notification, 1991, unahimously cleared the project under CRZ norms and recommend the reference of Ministry of Environment & Forests for Environmental Clearance.

NO. PCC/DMN/CZMA/Meeting/11/11-21  
99-2000/155 dt - 11/11/2002.

  
Member Secretary, 11/11/2002  
(DDCZMA)  
Daman & Diu.

To,

- 1.) All the Members of DDCZMA, Daman & Diu.
- 2.) All concerned.



List of Projects accorded clearance by DDCZMA

Name of Project	Name of project Proponent	Location of Project	Category of CRZ	Remarks
Construction of Bridge on Daman Ganga River	PWD, Daman	Daman District. Daman & Diu(U.T.)	---	It is a permitted activity under CRZ regulations
M/s. Wonder World Resorts	M/s. Wonder World Resorts Pvt. Ltd.	Daman District. Daman & Diu(U.T.)	CRZ-III	Approval given subject to the condition that project will not be executed in Dholar RF area.
Construction of Fish Landing Centre at Goghla, Diu	Collector, Diu	Diu District, Daman & Diu(U.T.)	CRZ-I	Approval given subject to the condition that before the project is forwarded to MoEF, by DDCZMA, the EIA of the project shall be carried out by Fishery Dept.
Construction of Fishery Harbour at Vanakbara.	Collector, Diu	Diu District, Daman & Diu (U.T.)	CRZ-I	-Do_
Construction of C.T. Scan Centre & other facilities at Govt. Hospital, Marwad, Daman	PWD, Daman	Daman District, Daman & Diu(U.T.)	CRZ-III	Approval given subject to the condition that no construction will be carried out between 0 to 200 metres from HTL.
Construction of Residential-cum-Commercial Hotel at Damanwada, Daman	Daman Municipal Council	Daman District, Daman & Diu(U.T.)	CRZ-III	---


Member Secretary, DDCZMA