

F. No. IA3-2/11/2021-IA.III
Government of India
Ministry of Environment, Forest & Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi-110003
Dated: 17th December, 2021

Subject: Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of Coastal Regulation Zone Notification, 2011 – regarding.

WHEREAS the Government of India issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area; and

2. WHEREAS, the Ministry received several representations on illegal construction of resort and road in CRZ -III (NDZ) area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra.

3. WHEREAS, based on the information provided in the representation, National Centre for Sustainable Coastal Management (NCSCM), an institute under this Ministry has concluded that "...From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III...."

4. WHEREAS, based on the representations and report of NCSCM, the Integrated Regional Office of this Ministry at Nagpur carried out a site inspection on 12/06/2021 along with Sub Divisional Officer & SDM, Dapoli and Tehsildar, Dapoli and made the following conclusions:

- *Sai Resort NX (G+2 Floors), Sea Conch Resort (G+1+ Covered structure in 2nd Floor) existing in Gat No.446 and approach road to the resorts are located in No Development Zone in CRZ-III as per CRZ Notification 2011.*

0/c

The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification).

- *One more road nearby to the resort connecting to the approach road is also in the No Development Zone in CRZ III.*

5. WHEREAS, Maharashtra Coastal Zone Management Authority vide its letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms.

6. WHEREAS, as per extant provisions of the CRZ Notification, 2011, para 8 (I) III.CRZ-III A(ii), no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure, thus the resorts in Gat No.446, falling within CRZ-III (NDZ) area is a prohibited activity.

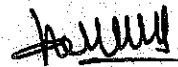
7. WHEREAS, on the basis of detailed examination by the Ministry, it is observed that construction activities, as stated in para 3, 4 & 5 above, have been carried out in complete disregard of the provisions of the CRZ Notification, 2011.

8. **NOW, THEREFORE, on the basis of detailed examination by the Ministry, you are directed to submit your response as to why this Ministry shall not order demolition of all the constructions and removal of roads which is a prohibited activity as per the extant CRZ regulations.**

9. **You are directed to submit your reply within 15 (fifteen) days of the receipt of this Notice failing which Ministry will be constrained to take action as in para 8 and any other action prescribed by law in the circumstances of the case without any further notice.**

The reports of NCSCM, SCZMA and the map showing the CRZ III area & structures / constructions in violation are enclosed herewith.

10. This issues with the approval of Competent Authority.



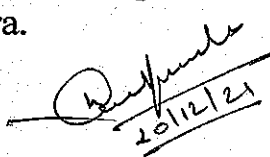
**(Dr. H. Kharkwal)
Additional Director /
Scientist 'E'(CRZ)**

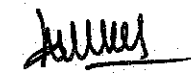
To

- 1. M/s Sai Resorts NX,
Gat No. 446, Murud,
Tehsil Dapoli,
Ratnagiri, Maharashtra**

2. M/s Sea Conch Resort,
Gat No. 446, Murud,
Tehsil Dapoli,
Ratnagiri, Maharashtra

Copy to:

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
2. The Chairman, (Environment) & Additional Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400022, Maharashtra.
5. The Deputy Director General (C), Ministry of Environment, Forest and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building Civil Lines, Nagpur- 440001, Maharashtra.
6. ~~The Director (IA Policy), MoEF&CC, New Delhi.~~ 
7. Guard File/Website of MoEF&CC.


(Dr. H. Kharkwal)
Additional Director /
Scientist 'E'(CRZ)

NOTE TO MOEFCC REGARDING LETTER DATED 13/05/2021 RECEIVED FROM DR. KIRIT SOMAIYA, FORMER MEMBER OF PARLIAMENT TO MOEFCC REGARDING COMPLAINTS ON ILLEGAL CONSTRUCTION OF RESORT AND ROAD IN CRZ/ESZ AT SEA SHORE OF VILLAGE MURUD, TEHSIL DAPOLI, RATNAGIRI DISTRICT, MAHARASHTRA

Background: Dr. Kirit Somaiya, former Member of Parliament has addressed a letter dated 13/05/2021 to the Hon'ble Minister of Environment, Forest and Climate Change, Government of India, in which Dr. Kirit Somaiya has mentioned that he has received several complaints about the blatant violation and illegal construction of Sai Resort Annex (Sai resort) and adjacent road and also the access to the "main entrees" of Sai Resort directly on the sea shore of survey No. 446 in Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra.

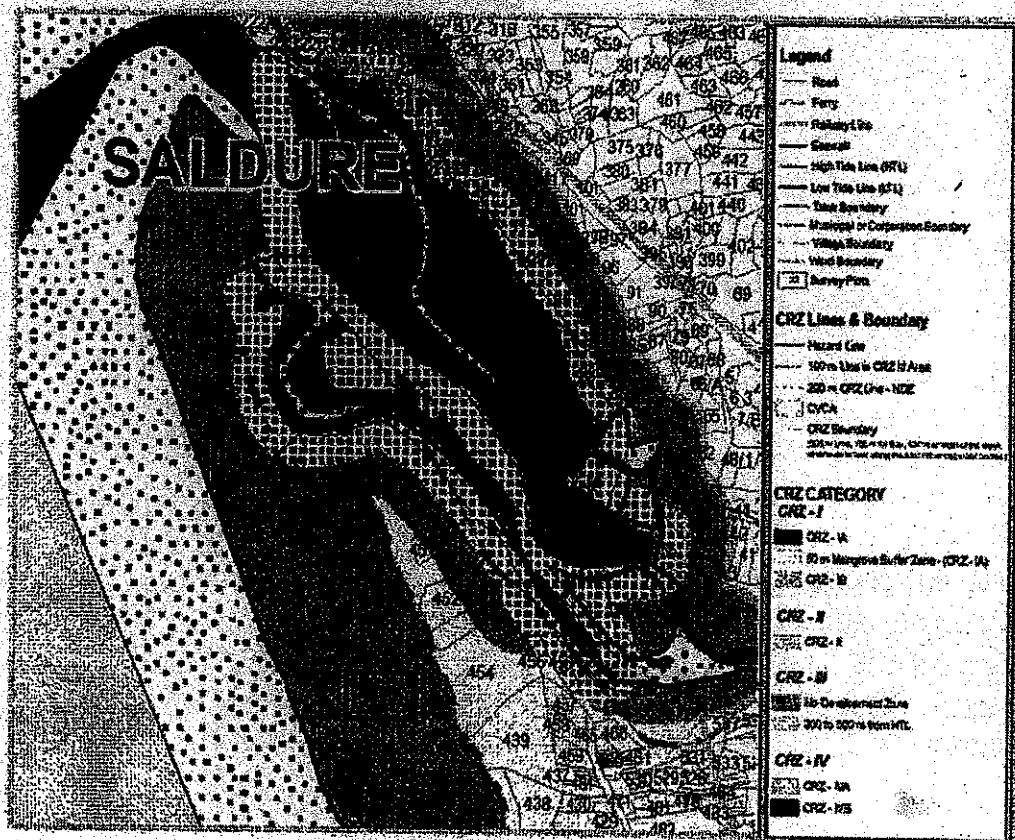
2. In this regard, NCSCM scrutinized the CRZ maps, based on the available documents and the findings are given below.

- a) The site in question in survey No. 446, Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra, falls in the approved Coastal Zone Management Plan (CZMP) Map no. MH 45 / Sheet No. E43N1/SW, of Ratnagiri District, Maharashtra, prepared as per CRZ Notification 2011 and the same has been published by the Maharashtra Coastal Zone Management Authority (MCZMA) and is available at: https://mczma.gov.in/sites/default/files/MYSCAN_20181017_0011.pdf.
- b) As per the approved CZMP, the site and survey No. 446, Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra falls in the "No Development Zone (NDZ)" in CRZ-III, i.e., within 200 metres on the landward side of High Tide Line.
- c) The updated draft CZMP of the site (Map no. MH 45 / Sheet No. E43N1/SW), prepared as per CRZ Notification, 2019 showing survey No. 446 in the NDZ has also been published by the Maharashtra Coastal Zone Management Authority (MCZMA) and is available at: <https://mczma.gov.in/sites/default/files/Draft%20CZMP%20Ratnagiri%2022-1-2020-29.pdf> and the same can be referred to.
- d) As per the "Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation by tourists or visitors with prior approval of the Ministry of Environment and Forests" given in Annexure - III of the CRZ Notification 2011, Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourists or visitors shall be subject to the following conditions, namely:-

- (a) "The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line".

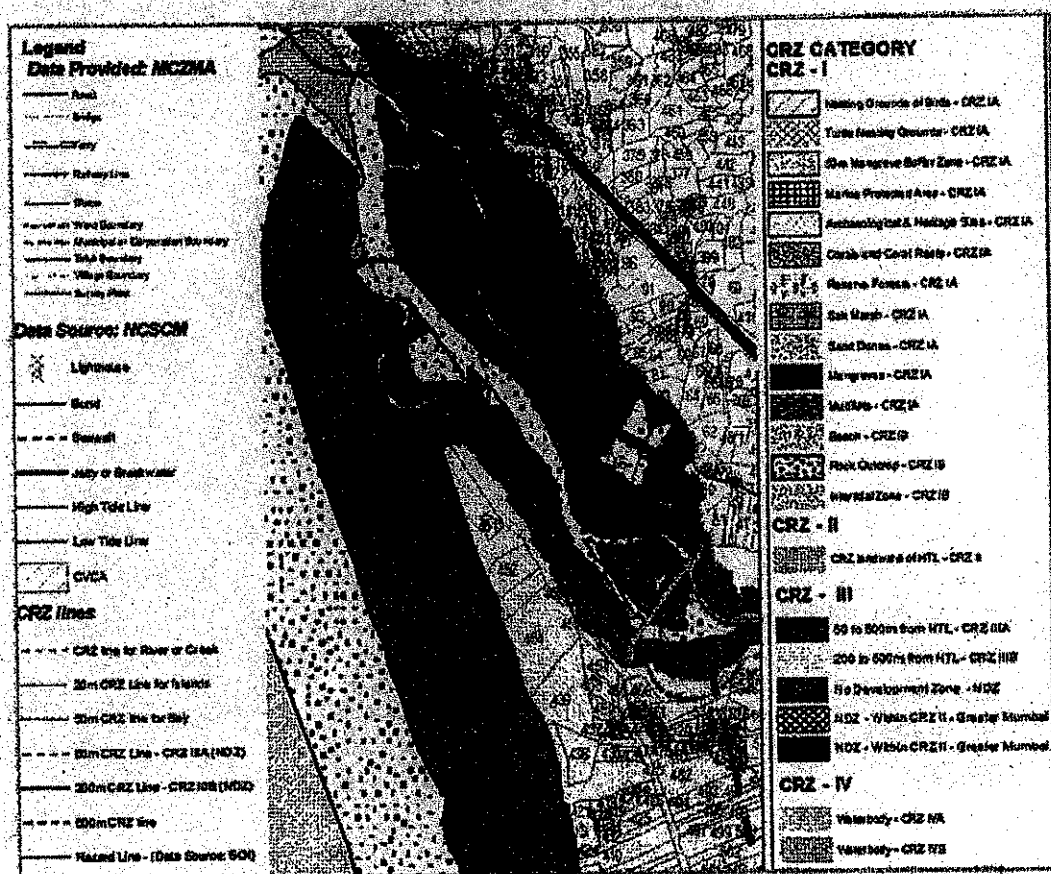
- e) The above condition has been violated by the Sai Resort, by constructing buildings, roads and other structures within 200 metres in the landward side of High Tide Line (NDZ), as can be seen from the approved CZMP (2011) and draft CZMP-2019 of the site and from the analysis of sequential Google Images, given in Appendix-1 below.
- f) From the time series Google earth images given in Appendix-1, it is seen that the construction works started in the year 2017 (after January, 2017) and was completed in November 2020.

3. Recommendations: From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III. A site visit may be undertaken in the near future by a team of officials including representatives from MCZMA, Mumbai, to ascertain the facts and to submit a detailed report, if necessary.



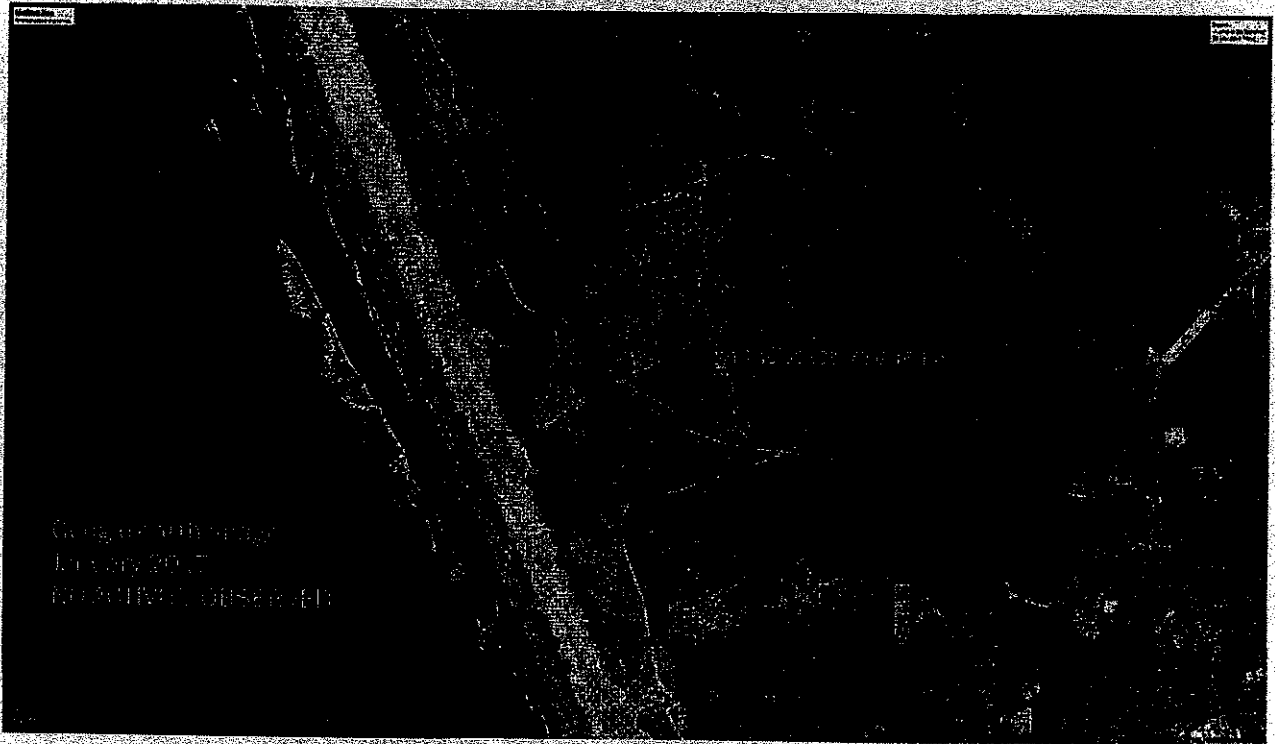
Survey No. 446
(shown in blue
square) falls
within NDZ in
CRZ-III.

Updated Draft CZMP – 2019 (Map no. MH45, Sheet No. E43N1/SW)



Survey No. 446
(shown in blue
square) falls
within NDZ in
CRZ-III.

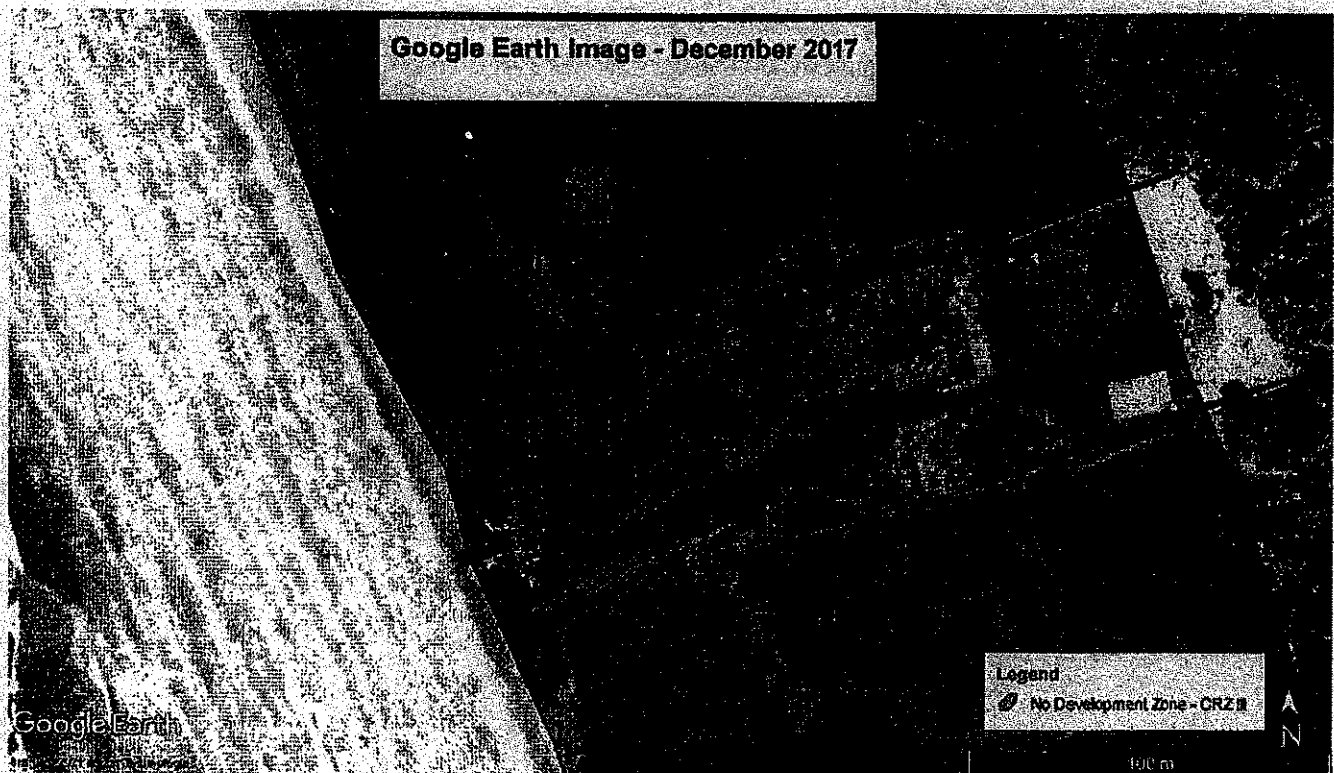
Google Earth Image January 2017



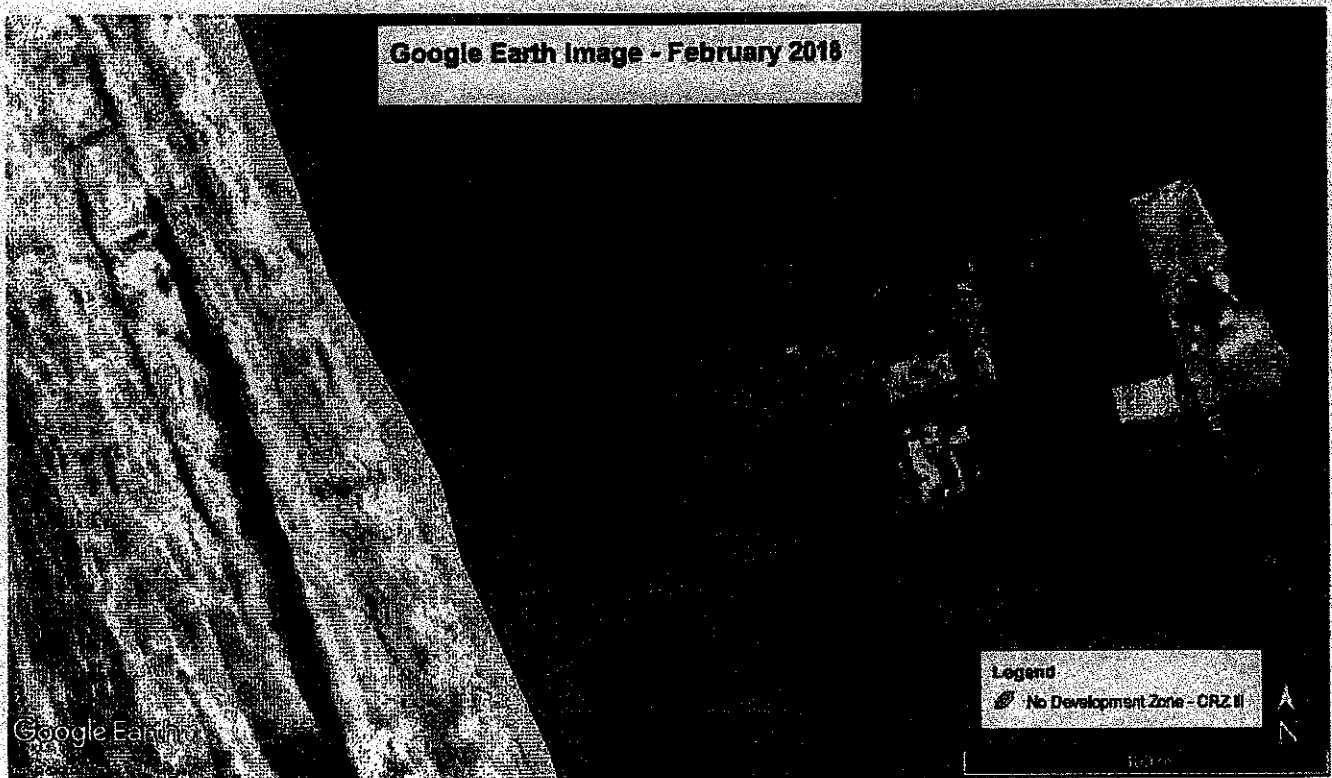
Google Earth Image January 2017 Indicating High Tide Line, NDZ of 200m In CRZ III and the project site
- No activity is observed in January 2017 within the No Development Zone



Google Earth Image December 2017 indicating with construction activity observed on site within the
No Development Zone



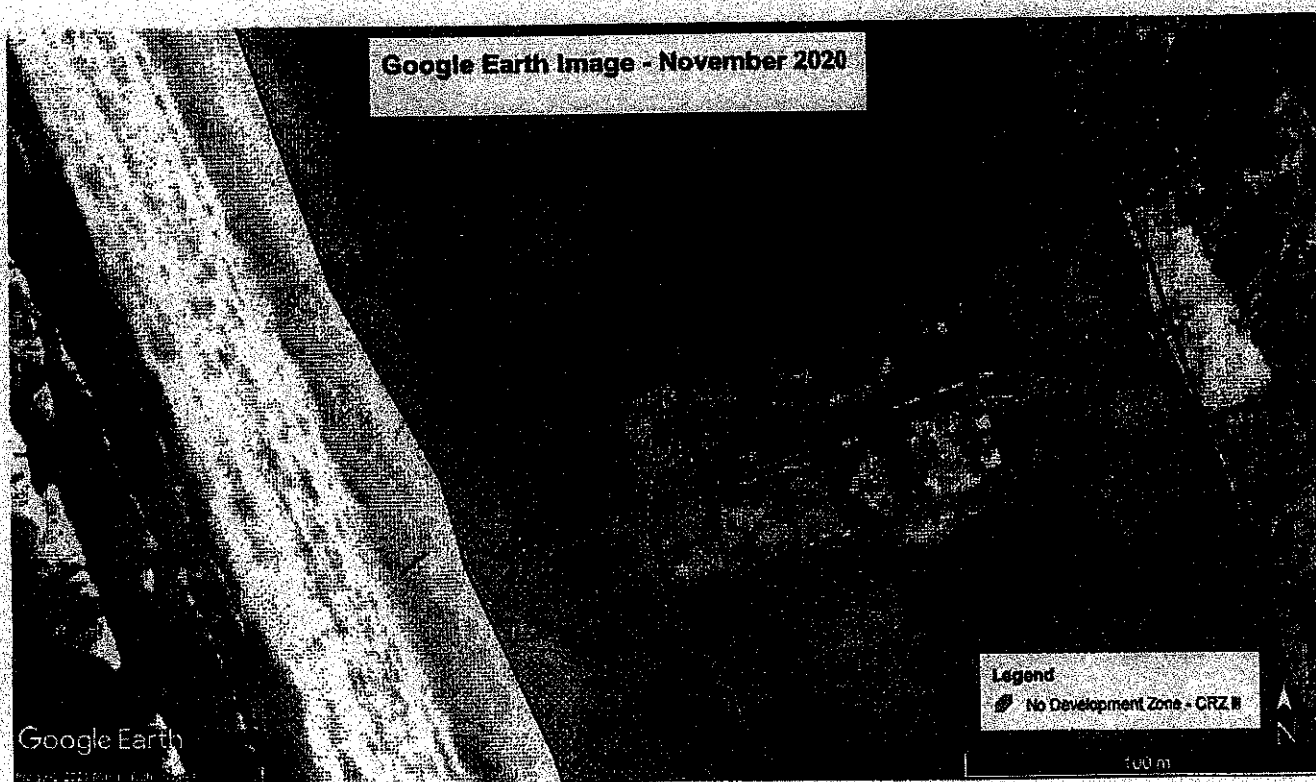
Google Earth Image February 2018 Indicating with Increased construction activity observed on site within the No Development Zone



Google Earth Image March 2019 indicating with Increased construction activity observed on site within the No Development Zone



Google Earth Image November 2020 Indicating with Increased construction activity observed on site within the No Development Zone



Google Earth Image November 2020 Indicating with increased construction activity observed on site
with access road (Indicated as yellow box)



MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: <https://mczma.gov.in/>

No. Complaint 2021 / CR 43 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 29.06.2021

To,
Director, CRZ,
Ministry of Environment, Forest and Climate Change,
Jor Bag Road, CGO complex, New Delhi

Subject: Regarding illegal construction in CRZ area at Survey no. 446 and other at village Murud, Tal: Dapoli, District: Ratnagiri. Complainant has alleged the said construction is in violation of CRZ and ESZ norms.

Ref: MoEF&CC, New Delhi emails dated 13.5.2021 and 9.6.2021

Pursuant to above referred emails dated 13.5.2021 and 9.6.2021 received in the subject matter, please find attached herewith the report of the District Coastal Zone Monitoring Committee (DCZMC) and minutes of 156th meeting of the MCZMA for further appropriate action in the matter.

Yours,


Director, Environment & CC and MS, MCZMA

Copy for information to:

1. Principal Secretary, Environment & Chairman, MCZMA, Environment Dept, Room No. 217, Annexe Building, Mantralaya, Mumbai.
2. Select File- TC 4

Official Emblem of India
Government of Maharashtra
Revenue and Forest Department
District Collector Office, Ratnagiri

Central Administrative Building, second floor, Room no 201, Revenue Branch, Jayastambh, Tehsil and District Ratnagiri

Phone : 02352 - 222483

Fax : 02352 - 226250

02352 - 224222

E mail : revenuecollector@yahoo.in

NO Revenue / Office Desk A K - 6 / C R Z / Murud - 446 / 2021 Dated 17th June 21

To

The Principal Secretary (Environment) and

Chairman, Maharashtra Coastal Management Authority

2nd Floor, Room no 217, Environment Department (Annex)

Mantralaya, Mumbai 400 032

Subject : Regarding alleged illegal construction of report and road in C R Z / E S Z at sea shore of Murud, Tehsil Dapoli District Ratnagiri

Reference : 1. Your letter number Complaint - 2021 / C R 43 / T C - 4 dated 8th of June 2021 and E mail message dated 7th of June 2021

2. Sub Divisional Officer, Dapoli Sub Division, letter number Reply / Inward no 2633 / Final Report / 06 / 2021 dated 15.06.2021

Sir,

Former Member of Parliament Dr Kirit Somayya's application to Honorable Shri Prakash Jawadekar, Union Minister for Environment , New Delhi with respect to construction of roads and resort in coastal regulatory zone / ecologically sensitive zone on the sea shore in the land at survey no 446 at at village Murud Tehsil Dapoli is received at this office from Maharashtra



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no Namika 2019 / Case no 28 / Bhasha 2 dated 22.03.2021.

Coastal Zone Management Authority (M C Z M A) , Environment Department , Mumbai Divisional office vide reference number 1 for necessary action and submission of factual report . The Sub Divisional Officer Dapoli was communicated to submit factual report incidental to the said complaint application.

A factual report incidental to the points raised in the complaint by Dr Kirit Somayya is requisitioned vide your letter under reference no 1. In this connection, a meeting of the District Level Zone Monitoring Committee was convened. The point wise report in respect of points raised in the complaint dated 8th of May 2021 by Former Member of Parliament Dr Kirit Somayya based on the report received from regional level and the discussion / consultation in the said meeting is as follows :

1	These land was brought in June 2019 by " A " while during the registration, the status of land was shown as N A / Non N A land in a mischievous manner	As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is handed over in purchase by Shri Rajaram Sathe to Shri Anil Dattatray Parab vide document no 1826 dated 19 th of June 2019 . Copy of purchase deed is enclosed herewith.
2	The same land was sold by " A " to " K " on date 30 th December 2020 and registration was completed in February 2021	As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is



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no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

		handed over in purchase by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadam vide document no 2719 dated 29 th December 2020 . Similarly the mutation is recorded in the village records vide mutation entry no 2223 dated 23 rd January 2021. At present the property is in the name of Shri Sadanand Gangaram Kadam. Copy of purchase deed is enclosed herewith
3	Status of the land of when it was sold / transfer in February 2021 was not had any mention of change or newly constructed Sai Resort	The property admeasuring 0 - 42.14 Hectare R out of total area 1.26.40 at Gat no 446 part at village Murud Tehsil Dapoli is handed over by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadam vide purchase deed document dated 29 th December 2020, No clear mention of construction of Sai Resort is observed in the said purchase deed
4	It is observed that during this 18 th month " A " had constructed Sai resort having 22 rooms and	Perusal of the Sub Divisional Officer Dapoli report dated 15 th of June 2021 reveals that a building

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 no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

As per CRZ-III only 9 meter
or G+1 Allowed

<p>2 three stories building. The market valuation could be 10 crore</p>	<p>consisting construction of the ground + two floors is in existence in the property situated at Gat no 446 part at village Murud Tehsil Dapoli. In this connection, The Assistant Director, Town Planning, Ratnagiri is directed to conduct actual measurements and verification of the actually constructed area. Similarly the Sub Divisional Officer Dapoli is also directed to take immediate action, if the provisions of Coastal Regulation Zone or Maharashtra Regional Town Planning Act are being violated due to the said construction</p>
<p>5 It is observed that the access to this resort is straight away from the sand of the sea. There is no other access / approach road available.</p>	<p>As per the report of the Sub Divisional Officer Dapoli, the internal access road to the above property is through unoccupied or private land. Ascertainment in this respect cannot be made without actual measurement. However it is observed that a descending road from the front side of Sai resort is constructed for approaching the sea</p>

		<p>shore.</p> <p>The District Superintendent of Land Records, Ratnagiri is directed to undertake immediate measurement of the property to ascertain the status of the road. It is stated in the Sub Divisional Officer Dapoli report that the roads are indicated in the approved maps attached with the Non Agricultural order issued by the then Sub Divisional Officer Dapoli. Further the Circle Officer Burondi's report dated 31st July 2017 in the original Non Agricultural case mentions the existence of a Village Panchayat road for approach to the aid property.</p>
6	<p>" A " is misusing his status with the help of other try to construct a road adjacent to the resort which is clear cut violation of Coastal Regulation Zone and Ecologically Sensitive Zone</p>	<p>The office of the Town Planner , Ratnagiri vide their letter dated 12th October 2017 has informed the office of Sub Divisional Officer, Dapoli that Gat no 446 part at village Murud Tehsil Dapoli is included in C R Z III as per C R Z map and within the distance of 200 meters. Hence no development is</p>
7	<p>The construction of resort also is clear cut violation of Coastal Regulation Zone and</p>	

[Signature]

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 no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

	Ecologically Sensitive Zone	<p>permissible on the said premises. Hence recommendation for development of the said premises cannot be made.</p> <p>As per Divisional Forest Officer , Ratnagiri report received vide their letter dated 17th June 2021 , there is no record with the forest department that the land at Gat no 446 part at village Murud Tehsil Dapoli belongs to the Forest Department. It is also informed that the said area does not fall into Ecologically Sensitive Zone (E S Z)</p>
8	From the discussion it seems no categorical mention of details of construction permission seems available.	<p>The Sub Divisional Officer, Dapoli vide his order dated 12th September 2017 permitted for construction of ground + one floor admeasuring 508.68 square meters area for commercial and residential purpose at Gat no 446 part at village Murud Tehsil Dapoli. In this connection the review of Non Agricultural permission order is in progress at the level of Additional District Collector.</p>



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 no Namika 2019 / Case no 29 / Bhashe 2 dated 22.03.2021.

The Sub Divisional Officer, Dapoli has been directed to take immediate action vide section 52 and 53 of the Maharashtra Regional Town Planning Act and Environment Protection Act 1986 in respect of Sai Resort construction at Gat no 446 part at village Murud Tehsil Dapoli

Thanking you,

Yours faithfully

Signature

(Laxmi Narayan Mishra)

Chairman , Sea Coast Management Committee and
District Collector Ratnagiri

Copy submitted to the Honorable Scientist – 2 Environment and Climate Change, Maharashtra Coastal Management Authority, 15th floor, New Administrative Building, Mantralaya, Mumbai 400 032 for information please.

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Authorised Translator vide Government of Maharashtra G R
no Namika 2018 / Case no 29 / Bhashe 2 dated 22.03.2021.

MINUTES OF THE 156th MEETING OF MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 25th JUNE, 2021

The 156th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment & Climate Change). In view of present pandemic situation of COVID-19, it was decided to conduct a meeting to take a decision in the matter through Videoconferencing technology on Cisco WebEx platform on 25th June, 2021. List of members present in the meeting is at Annexure-I.

Confirmation of 155th minutes of Meeting:

The Authority confirmed the minutes of 155th meeting held on 10th & 20th June, 2021 with a change at item no.21, wherein the company name Adani Transmission shall be read as Kharghar Vikhroli Transmission Private Limited.

Item No. 1: Regarding illegal construction in CRZ area at Survey no. 446 & other, village Murud, Tal: Dapoli, District: Ratnagiri.

The Authority noted that MoEF&CC, New Delhi has sent an email dated 13.5.2021 along with representation of Dr. Kirit Somaiya, which pertains to illegal construction on Survey no. 446 and nearby areas, village Murud, Tal: Dapoli, District: Ratnagiri. The said representation has alleged the construction at Survey no. 446 & nearby area (Sai Resort), village Murud, Tal: Dapoli, District: Ratnagiri is in violation of CRZ and ESZ norms. The MoEF&CC has sought a report in the matter.

The MCZMA vide letter dated 8.6.2021 sought a factual report in the matter from District Coastal Zone Monitoring Committee (DCZMC), Ratnagiri headed by District Collector, Ratnagiri.

The Authority noted that the DCZMC, Ratnagiri has submitted a report on 17.6.2021 to MCZMA. The report of the DCZMC states that presently, there is construction of Ground + 2nd upper floors building on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri. It is reported that Town Planning Office, Ratnagiri vide letter dated 12.10.2017 communicated to Sub-Divisional

Sd/-
Member Secretary

Page 1 of 2

Sd/-
Chairperson

Office, Dapoli that the land under reference is situated within 200 meter of CRZ III area, as per CRZ map. Hence, no construction is permissible on said land.

The Authority took the report of the DCZMC on record and noted that the site under reference falls in CRZ III area and within 200 m i.e. NDZ area. Hence, construction is not permissible as per provisions of CRZ Notification, 2011. As per Annexure III of CRZ Notification, 2011, activities of construction of beach resort/ hotel requires prior CRZ clearance from MoEF&CC, New Delhi. In the present case, there is no CRZ approval obtained from competent Authority for the said construction on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri.

In the light of above, the Authority after deliberation, decided to send the above mentioned report of DCZMC, Ratnagiri to MoEF&CC, New Delhi for further appropriate decision in the matter.

During the meeting, Expert Member mentioned that he has information that there are other structures (dwelling units / residential/ commercial) numbering around 150-200 which are situated in the similar coastal stretch. Accordingly, a report from DCZMC, Ratnagiri could be called. The Authority after discussion decided to seek the said report from DCZMC, Ratnagiri.

-----The meeting ended with vote of thanks to Chairperson-----

Annexure I

List of members/officials present in the online meeting:

1. Mrs. Neenu Somraj, DCF, Mangrove Cell, Member MCZMA
2. Mr. Rajesh Patgaonkar, DyChE, MCGM, Member MCZMA
3. Dr. Mahesh Shindikar, College of Engineering, Pune, Expert Member, MCZMA
4. Dr. A. K. Chaubey, NIO, Expert Member, MCZMA
5. Mr. Maruti Kudale, Ex Director, CWPRS, Expert Member, MCZMA
6. Dr. M.S. Khot, Ratnagiri, Expert Member, MCZMA
7. Mr. Narendra Toke, Director, Environment, Member Secretary,

Sd/-
Member Secretary

Sd/-
Chairperson