

Case Studies - Mumbai Planning

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Reclassification of CRZ for SEZ development¹

Union Ministry of Environment and Forests (MoEF) overturned its own decision to give approval to a Special Economic Zone (SEZ) in the ecologically sensitive coastal area in Mulund in the north-eastern part of Mumbai and in adjoining Thane.

The ministry had initially rejected the **Rs 3,000 crore SEZ** in 2006 as the project site spread over **54.23 hectares (ha)** was on land classified as **Coastal Regulation Zone (CRZ) I**².

The ministry subsequently allowed the site to be reclassified as CRZ III (relatively undisturbed coastal zone, including rural coasts) and approved the development project on December 19, 2006³.

The site is being developed for Information Technology (IT) and IT enabled services by Zeus Infrastructure Pvt Ltd. in a joint venture with developer Ackruti City Limited. This site earlier had salt pans.

Zeus infrastructure had written to the state government and MoEF urging them to change the CRZ grading of the Thane end from CRZ I to CRZ III. When this was questioned by the MoEF, Zeus Infrastructure approached Maharashtra Coastal Zone Management Authority (MCZMA), seeking reclassification of the land. MCZMA supported the suggestion, and in early 2007 recommended to the National Coastal Zone Management Authority (NCZMA), under MoEF, that the plot be graded CRZ-III. In March 2007, the land was converted to CRZ III by the national authority.

Powers of MCZMA

The MCZMA shall have the power to take the following measures for protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in coastal areas of the State of Maharashtra, namely:

¹ RTI uncovers environment ministry flip-flop on Mulund-Thane SEZ, Dec 14, 2011 – Down to Earth - <http://www.downtoearth.org.in/content/rti-uncovers-environment-ministry-flip-flop-mulund-thane-sez>

² CRZ-I refers to those areas in the regulated zone which are ecologically sensitive and have special geomorphological features like mangroves, marshes and mudflats; the Mulund-Thane coast has mangroves and wetland.

³ The regulations for CRZ III are less stringent, but the revised CRZ regulations that came into effect from January 2011, do not permit new industries and expansion on CRZ III as well.

(i) Examination of proposals for changes/ modifications in classification of Coastal Regulation Zone areas and in the Coastal Zone Management Plan (CZMP), received from the Maharashtra State Government and making specific recommendations to the National Coastal Zone Management Authority therefor.

(ii) (a) Inquiry into cases of alleged violations of the provisions of the said Act and the rules made thereunder, or under any other law for the time being in force which is relatable to the objects of the said Act and, if found necessary in a specific case, issuing directions under section 5 of the said Act insofar as such directions are not inconsistent with any direction issued in that specific case by the National Coastal Zone Management Authority or by the Central Government⁴.

Threat to open spaces

- The **open spaces in the MHADA layout⁵** which are reserved for **recreation grounds (RG)** are under threat as they are being taken up for construction. Any plot measuring over 1,70,000 sq ft must compulsorily reserve 15% for a layout RG under the DCR. The authority has 104 layouts in the city and each has an RG as mandated in the Development Control Regulations (DCR). These open spaces in MHADA layouts are given up for construction on receiving applications by builders.
 - In June 2010, a recreation ground in layout number 6 in Juhu was handed over to a builder.
 - In early 2011 (date not known), MHADA sent a letter to another layout in Juhu, demanding return of its recreation ground following the receipt of an application for construction thereon.
 - Residents of 12 housing societies in the Juhu Gulmohar area realized that their RG (layout 6) had been handed over to a developer only when barricades came up around the plot
 - Residents of 13 buildings in layout number 3 received a letter from MHADA earlier this year, informing them that the authority wanted to take back the RG without assigning any reason.
- A plot in Ghatkopar (West) is being developed in spite of being marked as recreation ground (RG) in the 1953 civic plan. The plan and the file regarding the reservation of this plot have been misplaced by the civic authority. The same was admitted before the Mumbai High Court by the civic body. It was also stated that since there were no Development Control Regulations (DCR)⁶ in 1963, the

⁴ <http://envfor.nic.in/legis/crz/1003.html>

⁵ <http://timesofindia.indiatimes.com/city/mumbai/Threat-to-open-spaces-in-Mhada-layouts/articleshow/10849786.cms>

⁶ Development Control Regulations apply to building activity and development work in areas under the entire jurisdiction of the Municipal Corporation of Greater Mumbai. If there is a conflict between the requirements of these Regulations and those of any other rules or byelaws, these Regulations shall prevail:

conversion of 15% of the plot into recreation ground cannot be granted, and as per the layout conditions 7% was reserved for RG⁷.

- A team of architects managed to trace **2,116 plots** reserved in Mumbai's Development Plan (DP) for various types of **open spaces**, including gardens and parks, recreation grounds (RG) and playgrounds (PG). While the **BMC's open space policy records 2,398 reserved grounds** in the city, the **civic body** has been claiming that only around **1,200 plots** have been reserved for open spaces. BMC managed to **acquire only 16% of the major open spaces reserved** in the DP over an approximately 10-year period till March 31, 2008⁸.
 - 500 of the 2,116 open spaces - or almost a quarter - have been encroached upon. The ward with most of the encroached plots is P-North (Malad, Malwani), with 48. R-North (Dahisar) has 42 and L (Kurla) 39.
 - Out of 18 sq.km of open spaces identified, 28% are encroached.
 - A survey by Citispace, an NGO showed that as many as 76 out of 599 open spaces in the BMC's possession had been partly or fully encroached upon.
- Mumbai city has the **least open spaces (only 1.95 sq.m) per capita**. This is worse than the standards in world's most congested cities such as Tokyo and New York. **The entire population of Mumbai has 14 sq.km or 2.5%**⁹ of public open spaces which includes parks, playgrounds, recreation grounds, maidans, gardens, etc. These are for the use of common man and accessible to all for free irrespective of their socioeconomic background. Matoshree Gymkhana on Jogeshwari Vikhroli link road, MIG club in Bandra (East) and Chembur Gymkhana are all built on open spaces and only member of these of these clubs are permitted entry in these clubs. The existing policies of parks and gardens like Jijamata udyan, Azad maidan and Oval maidan are open ended such that anyone with vested interest can twist them as per their interests¹⁰.
- The 50 sq.km of National Park has areas covered with mangroves and wetland meant to be a protected zone with no public access, but these areas are being encroached by squatters. The shortage is forcing citizens to pay for open spaces in the form of gardens or swimming pools in residential complexes, which only the elite can afford¹¹. In the near future if such open spaces in the city are not protected by the civic body they will soon be encroached by squatters and in years to come this encroached land would be made open for development (in the name

Provided however that in respect of areas included in a finally sanctioned Town Planning Scheme, the Scheme Regulations shall prevail, if there is a conflict between the requirements of these Regulations and the Scheme Regulations- http://www.juhucitizen.org/downloads/MCGM_DCR_200706.pdf

⁷ <http://timesofindia.indiatimes.com/city/mumbai/BMC-loses-file-on-recreation-ground/articleshow/11039745.cms>

⁸ http://articles.economictimes.indiatimes.com/2011-11-01/news/30345722_1_open-spaces-dp-department-recreation-grounds- Citizens track over 900 'missing' open spaces in Mumbai

Clara Lewis, TNN Nov 1, 2011,

⁹ Mumbai has the least open spaces -Mid Day, November 7, 2011

¹⁰ Citispace: NGO working against encroachments, February 27, 2011

<http://19idealogus.wordpress.com/2011/02/27/citispace-ngo-working-against-encroachments/>

¹¹ Mumbai has the least open spaces -Mid Day, November 7, 2011

of slum rehabilitation) and the citizens in Mumbai will be deprived of breathing (open) spaces. BMC should take efforts to protect the open spaces and also free the encroached open spaces in time.

- SRA rules say that any plot of land with more than 25% occupied by slums qualifies for SRA, which means that any builder can rehabilitate people who are staying in slums into proper houses. The builder benefits by getting 33% FSI on that land which he can sell in the open market or use for his benefit. Mumbai builders saw open spaces as lucrative lands and started seeing open space as lands for encroachment and have been pushing encroachment (with the help of their political network) have been pushing encroachment on open space in the form of slums and when it gets more than 25% the builders push papers for SRA¹².

Metro city	Open space per¹³ capita (sq.m)
Mumbai	1.95
Delhi	15
Bangalore	6.4
UN Food and Agriculture standard: 9 sq.m	

- A new policy by BMC, which is yet to be approved, claims that it wants to give away plots reserved for playgrounds and gardens over fears of encroachment. Almost all political parties, builders and industrialists have made use of an earlier BMC practice of giving away plots to institutions for maintenance. More than 60 of the 227 plots given away by BMC in the last 5 years on adoption basis have been given to NGOs or organizations controlled by politicians, builders and industrialists. The table below gives the details of the plots allotted to political parties and names of the people affiliated with the institutions developed on these plots¹⁴.

Name of party	Number of plots	Names of People affiliated to the institutions that have received plots
BJP	16	Dilip Patel – Pandit Dindayal Upadhyay Sewa Trust Samaj Vinod Ghedia- Mandpeshwar Civic Federation Kirit Somaiya – Yuvak Pratishthan Sardar Tarasigh – Guru Singh Sabha Gopal Shetty – oinsur Gymkhana & Kamala Vihar Sports Club
Shiv Sena	13	Subhash Desai- Prabodhan Goregaon Ravindra Waikar – Matoshree Arts & Sports Club Vinod Ghosalkar - Shiv Seva Samajik Sanstha Gajanan Kirtikar - Aarey Bhaskar

¹² Citispace: NGO working against encroachments, February 27, 2011

<http://19idealogus.wordpress.com/2011/02/27/citispace-ngo-working-against-encroachments/>

¹³ Mumbai has the least open spaces -Mid Day, November 7, 2011

¹⁴ They took our open spaces, 2007-11-29, <http://www.mid-day.com/news/2007/nov/167478.htm>

		Chandrakant Vishwasrao - Madhukar Vishwasrao Shikshan Sanstha
		Tukaram Kathe - Chembur Krida Prabodhini
		Sudhir More - Parksite Sarvajanik Ganeshostav Mandal
		Datta Dalvi - Sarvajanik Utsav Samiti Ganesh maidan
Congress	7	BA Desai - Malabar Hill Citizen Forum
		Raj Shroff - Shanti Foundation
		Rameshsingh Thakur - Zhagdusingh Charitable Trust
NCP	4	Sharad Pawar - Mumbai Cricket Association
		Ramesh Prabhu - Chatrapati Shivaji Smarak Samiti Trust
		Hemant Sawant - M/s Mata Harmnai Mitra Mandal

- In the year 2000, BMC had entered an agreement with the 8 clubs that they would construct club houses on 25% of the space and the rest would be open to the public. The clubs after construction were to be handed over to the BMC, which would lease them back on a "caretaker basis" to the trusts for 33 years. The clubs' managing committee would include two civic officers. These rules were however not followed; instead these clubs owe dues of Rs. 15 crores to the BMC¹⁵.

Name of Club	Location	Amount due	Person affiliated to the Club
Matoshree Club	Jogeshwari	Rs 3.48 crore	Sena leader & BMC Standing Committee Chairman Ravindra Waika
Kamala Vihar Sports Complex	Poisar	NA	NA
MIG Club	Bandra	Rs. 6 crore	NA
Mandapeshwar Club	Borivli	NA	NA
Wellington Club	Santacruz	NA	NA
Ronson Foundation	Juhu	NA	NA
Prabodhankar Thackeray sports complex and swimming pool	Vile Parle	Rs 1.44 crore	MNS leader & former Mayor Ramesh Prabhu
Prabodhan Krida Bhavan	Goregaon	NA	NA
Total Amount due		~Rs. 15 crore	

Not Available (NA)

- The civic Open Spaces Policy, which proposes to give out playgrounds and recreational grounds to be adopted or partially developed as per their size, has been debated since 2007, and is still to move ahead. On the other hand, the state government is dragging its feet over the Gymkhana Policy, which lapsed 10 years back. As per this policy, **18 gymkhanas on prime land were leased out for just Rs**

¹⁵ City open spaces face threat again, Monday, Jun 29, 2009 | Source: metro, Hindustan Times, <http://mumbaivotes.com/articles/4432/>

2.50 a square foot annually but one of the conditions was that they follow the rule of keeping the space adjoining each gymkhana open to the public. The new civic Open Spaces Policy was framed in June 2011 for which objections and suggestions were sought, but the hearing is pending. In case of the Gymkhana Policy, a new policy was framed in 2010, which revises lease rent rates and puts a monitoring mechanism in place, but is yet to be approved. From January 2005 to December 2010, not even one of the 34 open space plots slotted in the civic body's Development Plan has come into the possession of the BMC.

Rules flouted by MHADA

MHADA has different set of rules for politicians and for the common man. Several politicians who bought flats in *MHADA's Rajyog society in Versova, Andheri (W)* have not paid their dues. In spite of the expiry of the grace period, no action has been taken against them. As of date the society which has over 200 high income flats owns MHADA Rs. 61.44 crores. The state allotted houses to legislators in this society at *Rs. 42.46 lakh when the market rate was Rs. 1 crore*. As per the MHADA Act, a lottery winner has to pay the amount within 90 days of allotment (initial amount of 25% within 30 days and the balance within 60 days). If not, the grace period is extended to 45 days, but the buyer has to pay 13.5% penal interest (*The penal interest as of date amounts to Rs. 60 crores*). If the buyer fails to do so the flat has to be surrendered. The flats were allotted to the politicians in August 2009, and the extended grace period ended in January 2010. 65% of the flat owners are yet to pay their dues, but MHADA has not initiated any action on them¹⁶.

Moreover the CAG has questioned the state's flat allotment to MLAs at this society and has cited various breaches in the allotment of 225 flats in the Rajyog society in Versova. A draft report prepared by the national watchdog has found a number of loopholes in the allotment process and the occupation of the two-bedroom flats of 1,000 sq ft each in Rajyog society. It has emerged that roughly around 70 legislators - who were considered for allotment on the basis that they did not own a residential property within city limits - have rented out their flats soon after obtaining them, while they themselves continue to stay in MLA hostels. Quoting a *MHADA rule, the CAG report states that it is erratic that almost all the members who got possession in Rajyog society in Versova continue to occupy rooms in MLA hostels*.

The CAG audit says that Bhagyashri, wife of Parliamentary Affairs and Cooperation Minister Harshwardhan Patil, who is the chief promoter of the society, Minister of State for PWD Ranjit Kamble and former MoS Chandrakant Chhajed were already members of

¹⁶ Politicos still to pay for MHADA flats, seek waiver, February 25, 2011, Rahul Gadpale,-
<http://m.mumbaimirror.com/index.aspx?Page=article§name=News%20-%20City§id=2&contentid=2011022520110225024006739daf5d517>

the Ashirvad Cooperative Housing Society in Andheri when they were allotted the Rajyog flats in 2009¹⁷.

Manipulation of encroachments and reclamations¹⁸

1. **Encroachments and reclamations** at various parts of the city have been manipulated. Land allotted at **Nariman Point** to National Centre of Performing Arts at a low price to promote art and culture, has been partly developed for a high cost apartment building, where the saleable price is higher than Rs. 30,000/- per sq.foot.
2. Maker builders have grabbed a large part of the Airport Authority's land at Juhu. They have altered land records to prove their bonafide, when it is clearly known that this land is given by the state government to the National Airport Authority. Maker builders have completed construction and sale of several multi-storied apartment buildings on this land.

Violation of CRZ¹⁹

Construction of 5 star hotels, resorts and houses are being undertaken continuously along major waterfronts violating the CRZ. It is stated that builders and developers have been obtaining construction permissions with back date, prior to the framing of the regulation.

- **Lokhandwala** has encroached an important public space along the **Bandra waterfront (Band stand)**, cutting down a hill destroying the site of a historic fort and violating the regulation of "No Development Zone" to construct a 5 star hotel.
- **Rahejas**, another big builder has built **2 hotels at Madh Island** and are also in the process of developing properties along the water front at Madh.
- The authorities pay no heed to the CRZ regulations. Example: As per the CRZ rule if there is a road running near the coast, development is permitted on the non-coastal side of the road. So the DP shows roads which are proposed but never constructed. The new DP started in 1992 around the time when the judgment regarding CRZ regulation was given. The first development plan showed a ring road almost touching the sea and encircling the city. This does not exist in reality but was inserted in the plan so that wherever exemptions were needed for construction a road could be built. Since the road exists in the DP (on paper), development near the road which would be justified and CRZ rule would not be violated.
- In **October 1997, Maharashtra's housing minister, Suresh Jain** overruled the State Urban Development Department's objections to the reconstruction of over 8000

¹⁷ CAG questions state's flat allotment to MLAs-Ravikiran Deshmukh Date: 2011-12-02 Place: Mumbai
<http://www.mid-day.com/news/2011/dec/021211-CAG-questions-states-flat-allotment-to-MLAs.htm>

¹⁸ Mumbai's land misuse plan & People's alienation-PK Das, Architect

¹⁹ Mumbai's land misuse plan & People's alienation-PK Das, Architect

slum tenements falling under the CRZ, claiming that the state Advocate General had validated the legality of construction on the landward side of structures authenticated by the BMC. He went on to claim that he would also get permission for reconstruction of another 2000 slums, though the authorities had not agreed to it²⁰.

- A promenade built in **1997**, near the **Vashi hover port**, cuts through a **mangrove forest** and **extends into the inter-tidal zone** in violation of the CRZ notification²¹.
- State of Maharashtra and MMRDA (Mumbai Metropolitan Regional Development Authority) gave an undertaking that no reclamation would be carried out in the Bandra- Kurla Complex area and no mangrove in the Mithi River and its estuary would be destroyed. In spite of this, around 27 hectares of land has been reclaimed by 2001, much beyond the 4.7 hectares permitted by the Environmental Clearance of 1999. This reclamation has proved very cost-effective to the builders. It has also been given legal clearance by modifying the conditions of the Clearance²².
- A patch-up between the Sahara Group and one of Mumbai's largest landlords, Byramjee Jeejeebhoy Properties, could open up a 500-acre sprawl in Goregaon (W) for development almost a decade after plans fell through. The property, estimated to be worth around Rs 5,000 crore, falls under the no-development zone (NDZ) and coastal regulation zone (CRZ) and was once covered with mangroves. An uproar from environmentalists had stalled plans for an 18-hole golf course, club house and bungalows. The Jeejeebhoy-Sahara venture was accused of destroying mangroves and filling up the land. There is news that Avinash Bhosale and Vikas Oberoi have recently bought a large chunk of the land²³.

Why Mumbai choked - extract from "Frontline", Volume 22 - Issue 17, Aug 13 - 26, 2005

Coastal Regulation Zone (CRZ) is a zone where no construction is permitted but the CRZ rule is such that if there is a road running near the coast, development is permitted on the non-coastal side of the road. So **development plans show roads, which are proposed but actually never constructed**. The new development plans started in 1992, around the time when the judgment regarding CRZ rules was given. The **first development plan showed a ring road almost touching the sea and encircling the city. This does not exist in reality** but it was inserted in the plan so that wherever they wanted to get exemptions for construction they would actually build a road, say that it was in the original plan and then proceed to carry out the so-called permitted development near the road and violate the CRZ. Slum redevelopment is possible in the CRZ areas within the present rules. If the CRZ rules are relaxed or waived completely, builders will benefit tremendously.

²⁰ The Status of the Coastal Regulation Zone in Maharashtra, By Priya Shah

http://www.ceeindia.org/cee/pdf_files/The+Status+of+the+Coastal+Regulation+Zone+in+Maharashtra.pdf

²¹ The Status of the Coastal Regulation Zone in Maharashtra, By Priya Shah

http://www.ceeindia.org/cee/pdf_files/The+Status+of+the+Coastal+Regulation+Zone+in+Maharashtra.pdf

²² <http://gbgb.in/docs/articles/Environmental%20Problems%20of%20Mumbai.pdf>

²³ <http://timesofindia.indiatimes.com/city/mumbai/500-acres-in-city-may-open-up-for-development/articleshow/11249659.cms>

An all-party delegation met successive Prime Ministers to convince them of the need to scrap the CRZ rules. Needless to say, the builder-politician-bureaucrat-underworld nexus was engineering every move. *The maximum damage to the city was done during the Bharatiya Janata Party-Shiv Sena regime.* Two major actions taken in *1997 were the slum re-development scheme and the old and dilapidated buildings reconstruction scheme.* The slum scheme has a unique position among such schemes worldwide. If this scheme just said that land, which is occupied by slums, is declared as valid for slum re-development then it is understandable. But the *Mumbai scheme is such that vacant land, which is a garden or a playground, has been declared as a slum.* This is purely for the benefit of builders. This scheme, under the garb of providing free housing to slum-dwellers, has taken over all the vacant land and incorporated it into slum development with a 2.5 FSI where the normal FSI permitted is 1.

Such were the powers given to the slum re-development authority that if a builder came to it and asked for some vacant plot to be included in the scheme the authority could do so. Incidentally, it is worth noting that the Chief Minister is the Chairman of the Slum Re-Development Authority and also that of the Mumbai Metropolitan Region Development Authority (MMRDA). The Chief Minister also holds the Urban Development portfolio. The present Chief Minister is also the Housing Minister.

Violation of DP²⁴

- *Illegal reclamation of 175 acres of land at Malad into the sea and cutting of mangroves is being carried out by Rahejas.* Boulders and earth required for reclamation is found by cutting down an entire hill and depleting the forest at *Goregaon/Dindoshi.* This hill/ forest is a contiguous part of the *Borivali National Park* and the surrounding forests. This *reclamation has been carried out in violation of the DP of the city and has been abetted by the BMC* which has provided huge quantities of solid waste to reclaim the wetlands.
- The city's development plan has earmarked lands for gardens and playgrounds within the city limits. These are being de-reserved at a phenomenal rate. As *Chief Minister, Sharad Pawar de-reserved 285 plots; Manohar Joshi 300 plots; and Narayan Rane, in his eight-month rule, de-reserved about 180 plots,* one of which covered 660 acres (264 ha) in Mankhurd (an area that was severely affected by flooding with water rising to 12 feet). Vilasrao Deshmukh continued the trend. *Sushilkumar Shinde de-reserved 67 plots.* All these put together would perhaps amount to almost 50% of the space for amenities. *On paper, the development plan's amenity spaces ratio is 0.2 acres per 1,000 population.* Of this, *82% is taken over by slums* so that the *actual ratio is 0.03 acres per 1,000 population.* This is the lowest in the world. By **Indian standards it should be 4 acres per 1,000 population.** If you take **international standards it is 12 to 14 acres per 1,000**

²⁴ Mumbai's land misuse plan & People's alienation-PK Das, Architect

population. The other metropolitan cities, Delhi, Chennai and Kolkata, have a ratio of about 4 acres each²⁵.

Mill land redevelopment²⁶

The mill hub of Worli, Lower Parel and Dadar now has commercial and residential buildings. There were 58 mills across the city that stood on 600 acres of land. Of this, 33 mills occupying 250 acres are at various stages of development. As per the original Development Control regulation - DCR 58, the mill land once opened for redevelopment was to be divided equally among the owner, MHADA and BMC, in one third proportion each. However in 2001, DCR 58 was twisted and it was decided that only open vacant spaces on mill land would fall under the formula. So BMC and MHADA's share dropped to around 8-10% from 33% each. So from 158 acres the city's share fell to below 58 acres. The builders are thus exploiting every possible loophole to build commercial and residential properties. Out of 33 mills only 17 have handed over their share of land to BMC and MHADA in nearly five years after the mill land sale. The primary stakeholders – the mill works got out of the mill land sale. The BMC and MHADA are together entitled to get 58 acres from mill owners but they have acquired only 35 acres, a large part (25 acres) has come from the government owned National textile Corporation. BMC and MHADA have not done much with their share. A few examples are cited below.

- BMC has created two gardens of land it got at Matulya Mills and Piramal Milla in Lower Parel, but these gardens cannot be called as public places. The one at Piramal Mills is surrounded by buildings from all sides. The board is not clearly visible.
- At Matulya Milla, a garden of less than 0.14 acre has been developed but it is yet to be inaugurated.
- At Modern Mills, the land earmarked for BMC resembles a construction yard.
- At China Mill in Sewri, where MHADA has been allotted the task of building houses for mill works, a plot earmarked as open space is a dust bowl. Same is the case with Swan mills.

Around 2 lakh mill workers lost their jobs after the closure of mills and have been jobless for nearly 30 years now. But MHADA has built only 6000 houses which they are planning to allot through lottery system, but the government wants Rs.12.5 lakhs. Most of the mills lands were given on lease to encourage textile mills to generate employment, so most of this land should have come back to the city, but this did not happen.

²⁵ <http://www.frontlineonnet.com/fl2217/stories/20050826004601700.htm> - Frontline, Volume 22 - Issue 17, Aug 13 - 26, 2005

²⁶ How we lost the plot, Alka Shukla & Rahul Gadpale, March 21, 2011
<http://www.mumbaimirror.com/index.aspx?page=article§id=15&contentid=2011032120110321033449283ade29d8>

Mantralaya modernization²⁷

The PWD proposal, called “*Mantralaya Precinct Project*”, seeks to *modernize and upgrade* the Mantralaya building under the provisions of the *Slum Rehabilitation Authority (SRA) Scheme*. PWD has sought permission under the provision of Department of Conservation and Recreation 33(10), which deals exclusively with slum rehabilitation. In any scheme approved under the provisions of this regulation, a slum is rehabilitated at the same site. Under *DCR 33(10) provision*, FSI for Mantralaya would be *2.5*, whereas *under normal rules*, it would be only *1.33*.

The Union Government, however, has still not granted clearance to PWD for the project. Moreover, the Centre wrote to the Maharashtra Government on October 20, 2008, raising certain queries regarding the proposal.

²⁷<http://www.mumbaimirror.com/index.aspx?page=article§id=2&contentid=2009123020091230020300889dea08da0>

News References

500 acres in city may open up for development

Nauzer K Bharucha, TNN | Dec 26, 2011, 06.13AM IST

MUMBAI: A patch-up between the Sahara Group and one of Mumbai's largest landlords, [Byramjee Jeejeebhoy Properties](#), could open up a 500-acre sprawl in Goregaon (W) for development almost a decade after plans fell through. The focus turned on the plot again after talk that Avinash Bhosale, the politically connected businessman from Pune, and Mumbai builder [Vikas Oberoi](#) recently picked up a chunk of the land. The property, estimated to be worth around Rs 5,000 crore, falls under the no-development zone (NDZ) and coastal regulation zone (CRZ) and was once covered with mangroves. An uproar from environmentalists had stalled plans for an 18-hole golf course, club house and bungalows. The Jeejeebhoy-Sahara venture was accused of destroying mangroves and filling up the land.

Byramjee Jeejeebhoy Properties and the Sahara Group patch up. Prompt talk of development of Rs 5,000cr plot The land comes under [CRZ](#). Environment ministry revoked building permission in 2002 Authorities have recently received request for dumping of debris on the land. Avinash Bhosale and associate said to have picked up a part of the land Environmentalists say, as in the Adarsh scam, files on the case of mangrove destruction in the plot have gone missing 'Won't allow debris dumping on Goregaon land' The controversy over alleged destruction of mangroves on a 500-acre sprawl in Goregaon (W) led the central environment ministry to revoke its construction permission in 2002. The case landed in courts leading to a Supreme Court stay order.

Byramjee Jeejeebhoy Properties, owners of the plot, had signed a memorandum of understanding with the Sahara Group to jointly develop the land in 2001. But when it decided to terminate the agreement eight years ago, Sahara moved court. The litigation went up to the SC, which referred the matter back to the Bombay High Court.

TOI has now learnt that the warring partners have made up. "We have amicably resolved the issue and filed consent terms in the court," a Sahara spokesperson said. He refused to reveal the nitty-gritty of the new agreement, but said Sahara would have a stake in the land.

A Byramjee Jeejeebhoy official said they were still working out the details. "The land falls under CRZ. Hence, it will be premature to talk about any development," he said.

But the suburban collector's office recently received a proposal to dump debris in the 500-acre plot. "The landowner has sought permission to dump debris, but we will reject it," suburban collector Nirmalkumar Deshmukh told TOI last week.

The Jeejeebhoy official dismissed talk that Bhosale and Oberoi had bought a chunk of the Goregaon (W) land as market rumours.

However, Bhosale told TOI earlier this month that he was waiting for Jeejeebhoy and Sahara to resolve their fight. Bhosale and Oberoi are directors of Splendour Developers, a company they formed about eight years ago. In 2004, Bhosale and Oberoi purchased a 20-acre NDZ land near Fantasy Land in Andheri (E) owned by Jeejeebhoy for around Rs 150 crore. The state government later allowed the green zone to be converted for

residential purposes.

Environmentalism Debi Goenka, who had moved court in 2002 against the destruction of mangroves on the Jeejeebhoy land for a proposed golf course, said, "The environment ministry, Bombay High Court as well as the Supreme Court established that mangroves were illegally destroyed in the Malad creek. Despite the apex court's stay order, the authorities are turning a blind eye to the illicit dumping of debris at the site."

Goenka also faulted the Union environment ministry for failing to issue a formal order, six years after it conducted a hearing following Bombay HC orders. "The MoEF (ministry of environment and forests) recently informed me that the file containing the order of the hearing is missing. This is extraordinarily similar to the Adarsh housing society case, in which the files conveniently disappeared from the records. Since the officers involved in the missing files are the same, perhaps the CBI should investigate this case as well," he said.

Who was Byramjee Jeejeebhoy?

Sir Byramjee Jeejeebhoy, a 19th century philanthropist who founded several educational institutions in the city, was also a big land owner. The Byramjee Jeejeebhoy Properties Limited looks after his land today. In October 1830, the East India Company made Sir Byramjee a grant of seven villages between Jogeshwari and Borivli; the land totalled a staggering 12,000 acres.

Sir Byramjee also owned a large tract of land in Bandra. The plot where the Taj Lands End Hotel is located, once belonged to Sir Byramjee. Over the past 50 years, huge chunks of his land in Oshiwara, Kandivli and Malad were either sold off to builders or ceded to the government for various public projects. Between 1948 and 1953, the company surrendered about 3,000 acres to the government for the Aarey milk colony, 1,200 acres to the forest department for the national park and 2,000 acres for different public housing schemes. The Lokhandwala complex in Oshiwara and the Thakur complex in Kandivli are located on land which once belonged to Byramjee Jeejeebhoy.

<http://timesofindia.indiatimes.com/city/mumbai/500-acres-in-city-may-open-up-for-development/articleshow/11249659.cms>

Threats to open spaces in MHADA layouts

[Clara Lewis](#), TNN | Nov 24, 2011, 04.08AM IST

MUMBAI: More open spaces in the city are under threat, even those in [Maharashtra Housing Area Development Authority](#) (Mhada) layouts.

In June 2010, a recreation ground (RG) in layout number 6 in Juhu was handed over to a builder. Earlier this year, [Mhada](#) sent a letter to another layout in Juhu, demanding return of its recreation ground following the receipt of an application for construction thereon. The two seemingly isolated incidents could be an indication of the potential danger faced by other recreation grounds in Mhada layouts. The authority has 104 layouts in the city and each has an RG as mandated in the Development Control Regulations (DCR). Any plot measuring over 1,70,000 sq ft must compulsorily reserve 15% for a layout RG under the DCR. As these are created only when a plot is taken up for development, they

are not marked in the [Development Plan](#) (DP). These are deemed DP reservations, but the BMC has no system to record and track them.

Residents of 12 housing societies in the Juhu Gulmohar area realized that their RG (layout 6) had been handed over to a developer only when barricades came up around the plot.

"A security guard ensures that no one is allowed entry into the RG," said Ashok Pandit, founder of NGO Save Our Open Spaces.

In the second instance, residents of 13 buildings in layout number 3 received a letter from Mhada earlier this year, informing them that the authority wanted to take back the RG without assigning any reason. The residents of both layouts are now fighting to save their open spaces.

"The RG in our layout was frequented by drug addicts, sex workers and anti-social elements. Three years ago, we wrote to Mhada asking it to allow us to maintain it. They granted us permission for three years after we deposited Rs 1.4 lakh. But now, they want it back, apparently to give it up for construction," said a resident of layout 3 on condition of anonymity.

Residents of the two plots mostly belong to the Dawoodi Bohra community. In the '60s, the plot was assigned to low-income group community members through the efforts of the trust, Anjuman-e-Shiate Ali. Over 40 years later, the trust wants to create more homes for other community members and is demanding that the layout RGs be handed over to it for construction. It has claimed ownership over the sub-plots.

Two months ago, Mhada vice-president and CEO Satish Gawai held a hearing for the trust. Gawai said it was too premature to say that Mhada was giving away the sub-plots. "We have asked the trust to prove its ownership to the title. As far as we are concerned, Mhada is the owner of the plots," he asserted.

About the barricaded RG in layout 6, Gawai said it was handed over to the builder before his tenure. "We have not received any complaint and are yet to investigate the matter," he added. Residents of layouts 3 and 6, however, said they had filed complaints with Mhada in June this year.

Idris Companywala, representing the trust, said Mhada had handed over the open sub-plot in layout 6 to a developer and the trust was fighting the issue in court. He also denied that the sub-plot was reserved as a compulsory open space. "We are the owners of the empty sub-plots and have documents to prove it. These have been submitted to Mhada. We are awaiting written orders from Gawai. If they are adverse, we will challenge the decision in court," he said. Companywala, however, refused to show copies of any of the papers to TOI.

Residents said the trust, in a 1967 letter to the housing commissioner through its solicitors, had informed the Maharashtra Housing Board that it was merely an agent for members of the Dawoodi Bohra community.

"The Anjuman-e-Shiate Ali has acted all along as an agent to introduce to the board low-income group members of the Dawoodi Bohra community. It has not acquired and will not acquire any title to the aforesaid plots. The proposal of sub-division submitted to you is entirely on behalf of all 57 individuals and two cooperative societies," says the letter, a copy of which is with TOI.

In 2009, CEO of the Mumbai Housing Board Satish Bhide reiterated that the sub-plot of layout 3 was reserved for a garden. "Unscrupulous lower-level officials of Mhada are responsible for the current mess," said a resident.

<http://timesofindia.indiatimes.com/city/mumbai/Threat-to-open-spaces-in-Mhada-layouts/articleshow/10849786.cms>

BMC loses file on 'recreation ground'

Rosy Sequeira, TNN | Dec 9, 2011, 04.01AM IST

MUMBAI: The civic body on Thursday admitted before the Bombay high court that a file pertaining to a Ghatkopar (West) plot that was allegedly marked as [recreation ground](#) is missing. The court directed it to state what procedures it follows to recover original records.

A division bench of Justices Sharad Bobde and V K Tahilramani was hearing a PIL filed by architect Madhav Deshpande over a plot measuring 1,944 sq yards in Sanghani Estate on LBS Road, Ghatkopar (West).

Deshpande said the plot is being developed despite it being reserved as recreation ground in the 1953 civic plan. "When I informed the BMC, it replied that it has lost the plan and files related to the reservation of this plot. It said in absence of these records it can't proceed against the developer," said Deshpande, arguing in person. The architect alleged that the local [BMC](#) office is colluding with the developer.

BMC advocate Geeta Joglekar admitted to the court that the file is missing. She said Deshpande's prayer for converting 15% of the plot into a recreation ground cannot be granted because in 1953 there were no development control rules. "As per layout conditions, 7% was reserved for recreation ground," Joglekar added.

Deshpande told the court that the BMC may have alternate documents but it is not bringing them on record.

The judges asked the BMC to state in an affidavit "what procedure it adopts if the original records are lost and whether any collateral documents are available" with it regarding the plot in question. Adjourning the matter, they also directed the state government to assist the BMC in providing necessary information about recovery of lost records.

<http://timesofindia.indiatimes.com/city/mumbai/BMC-loses-file-on-recreation-ground/articleshow/11039745.cms>

Citizens track over 900 'missing' open spaces in Mumbai

1 Nov, 2011, 0802 hrs IST, Clara Lewis, TNN

MUMBAI: Residents looking to save Mumbai's dwindling open spaces have now got a huge shot in the arm after a team of architects managed to trace 2,116 plots reserved in Mumbai's Development Plan (DP) for various types of open spaces, including gardens and parks, recreation grounds (RG) and playgrounds (PG). While the BMC's open space policy records 2,398 reserved grounds in the city, the civic body has been claiming that only around 1,200 plots have been reserved for open spaces.

The BMC managed to acquire only 16% of the major open spaces reserved in the DP over

an approximately 10-year period till March 31, 2008, according to an internal DP department report.

Now, the latest survey by four young architects, who were led by civic activist and architect P K Das, shows that not only has the BMC been lax in acquiring open spaces reserved in the DP, it has also been unaware of a huge number of reserved open spaces and their locations. If the BMC puts the number of open spaces at 1,200, then the surveyors have discovered over 900 'missing' spaces.

Saving open spaces

Quarter of open spaces encroached

Since the BMC is preparing the new Development Plan (DP) for the city, publishing the ward-wise data on open spaces will help Mumbaikars know which plots have to be protected, said civic activist and architect P K Das, who led the private citizens' survey on open spaces.

BMC chief Subodh Kumar said the Development Plan is prepared in phases. "When we go to the people for their objections and suggestions, we should certainly take their views into consideration and then take a decision," he said. The architects will be exhibiting the new maps they have prepared at the JJ School of Architecture soon.

Interestingly, 500 of the 2,116 open spaces - or almost a quarter - have been encroached upon. The ward with most of the encroached plots is P-North (Malad, Malwani), with 48. R-North (Dahisar) has 42 and L (Kurla) 39.

Das's team found 321 plots reserved for gardens, 667 for RGs and 628 for PGs. Though playgrounds, gardens, recreation grounds are essential for human development, Mumbai has had too few such spaces thanks to the apathy of the civic body. Land-wise, the latest survey has identified 19 sq km of reserved open spaces.

Around 28% of this has been encroached. Mumbai reportedly has as little as 0.03 acres of open spaces for every 1,000 persons, or 1.3 sq feet per person. Civic officials argue that non-open space areas, like No-Development Zones (NDZ), are also green belts. However, NDZs are not easily available for exercise and recreation. Recently, the government allowed IT parks and residential and commercial complexes in NDZs.

Das said it was high time the BMC maintained a proper record of all open spaces in the city. He pointed out that Development Control Regulations mandate compulsory open spaces in all layouts of about 17,000 sq mt, but neither the building proposal nor the DP department has a record of the maintenance of such spaces. Similarly, open spaces around railway stations, markets and other public areas should be protected.

After a year of painstaking research and site visits, the architects finally released their report recently. "We took the aid of the Development Plan, Google maps and Breathing Space (a survey by Cityscape). We also made actual visits to sites and ward offices to ascertain the number of reserved open spaces as well as their status," said Das, who helped develop the Bandra promenades and played an active role in reclaiming Juhu beach and the open spaces around it.

The group has prepared maps identifying open spaces in each of the 24 civic wards. Citispace, an NGO which has been fighting to protect the city's open spaces, is carrying out a similar exercise. Earlier it had managed to trace over 800 reserved open spaces. "It is a very good initiative," said Nayana Kathpalia, convenor of Citispace, about Das's

efforts. "The more people get involved, the more pressure there will be on the authorities to protect open spaces."

Times View

The BMC has been famously lax in acquiring plots reserved for open spaces in a city where residents lack enough recreation areas. Furthermore, even acquired plots aren't properly cared for.

A survey by Citispace last year showed that as many as 76 out of 599 open spaces in the BMC's possession had been partly or fully encroached upon. Resident groups and activists are also unhappy with the BMC's proposed caretaker policy, which they say will result in more reserved open spaces being parceled off to private parties.

In such a scenario, the architects' mapping of 2,116 reserved open spaces comes as a breath of fresh air. The BMC now has a chance to use these maps to protect open spaces in the new Development Plan. And citizens have the opportunity to identify the spaces and demand that they be developed in favour of the public.

<http://m.economictimes.com/PDAET/articleshow/msid-10563786.curpg-1.cms>

Does this look like a slum to you?

Well, the PWD certainly hopes it does. The department has submitted a proposal to modernise Mantralaya under the Slum Rehabilitation Authority Scheme. Why? It attracts far more FSI
Posted On Wednesday, December 30, 2009 at 02:03:00 AM

Can Mantralaya be classified a 'slum' that needs a makeover? Yes, if one goes by the proposal made by the Public Works Department (PWD) to the Ministry of Environment and Forest, New Delhi.

For, the PWD proposal, called "Mantralaya Precinct Project", seeks to modernise and upgrade the Mantralaya building under the provisions of the Slum Rehabilitation Authority (SRA) Scheme.

Well, the PWD certainly hopes it does. The department has submitted a proposal to modernise Mantralaya under the Slum Rehabilitation Authority Scheme. Why? It attracts far more FSI

This information was obtained last week through an RTI by social worker Santosh Daundkar. The proposal, which is under scrutiny at present, was submitted for environment clearance in August 2008.

As per the proposal (a copy of which is with Mumbai Mirror), PWD has sought permission under the provision of Department of Conservation and Recreation 33(10), which deals exclusively with slum rehabilitation. In any scheme approved under the provisions of this regulation, a slum is rehabilitated at the same site.

More importantly, under the DCR 33(10) provision, the FSI for Mantralaya would be 2.5, whereas under normal rules, it would be only 1.33.

The Union Government, however, has still not granted clearance to PWD for the project. Moreover, the Centre wrote to the Maharashtra Government on October 20, 2008, raising certain queries regarding the proposal.

Sources reveal that the proposal also violates CRZ provisions, as such a huge FSI would not be granted under the strict provisions of CRZ Notification.

“The move seems to be to gain more FSI by manipulating otherwise very strict CRZ rules. By classifying the land under DCR 33(10), a lot of FSI linked to recreation ground reservations around Mantralaya, which normally would have zero FSI, could be merged with the main FSI. Such huge FSI would have a devastating effect on the fragile coastal environment of Mumbai,” said Yogesh Pratap Singh, a CRZ expert and well known lawyer. Surprisingly, PWD officials seem to be unaware of the issue. G M Kandhare, secretary, PWD (construction) said, “I have no idea about the submission of the proposal under DCR 33 (10). The procedure, however, has begun and we have received several tenders which are currently under scrutiny.”

The Mantralaya: Mantralaya, the administrative headquarters of the State Government of Maharashtra, was built in 1955. It is a six-storeyed building that houses most of the departments of the State Government. The CM and Deputy CM sit on the sixth floor, while the Chief Secretary, *ie* the topmost bureaucrat, sits on the fifth floor.

<http://www.mumbaimirror.com/index.aspx?page=article§id=2&contentid=2009123020091230020300889dea08da0>

Our shrinking open spaces

[Sayli Udas Mankikar](#), Hindustan Times; Mumbai, December 25, 2011

Over the past decade, the city has been in a constant struggle to reclaim its open spaces. Two policies that could change things, one with the civic body and the other with the government, have been languishing for many years. And despite a huge public outcry, the issue of open

spaces has not been given the attention it deserves by the authorities.

The civic Open Spaces Policy, which proposes to give out playgrounds and recreational grounds to be adopted or partially developed as per their size, has been debated since 2007, and is still to move ahead. On the other hand, the state government is dragging its feet over the Gymkhana Policy, which lapsed 10 years back. As per this policy, 18 gymkhanas on prime land were leased out for just Rs 2.50 a square foot annually but one of the conditions was that they follow the rule of keeping the space adjoining each gymkhana open to the public.

This lapse not only means unavailability of public space to non-members but also a huge loss to the public exchequer.

The new civic Open Spaces Policy was framed in June 2011 and talks of more citizen involvement. Objections and suggestions were sought, but the hearing is pending. In case of the Gymkhana Policy, a new policy was framed in 2010, which revises lease rent rates and puts a monitoring mechanism in place.

However, it has not been approved. And to make things worse, from January 2005 to December 2010, not even one of the 34 open space plots slotted in the civic body's Development Plan has come into the possession of the BMC.

Can a city with just 6.24 square kilometre of open space, which converts into just 0.2 hectares of open spaces per 1,000 people in the island city and 1.2 hectares in the suburbs, afford this kind of lackadaisical attitude?

"It is a sad state of affairs. If we look at the history of the civic corporation you will see that they have not created even a single big open space like the existing Oval and Azad maidans for the past few decades," said Brinda Somaya, city-based architect.

But BMC municipal commissioner Subodh Kumar feels one need not be so negative about the issue. "We have framed a new policy, we have asked for objections and suggestions that have come in. Now we will have hearings, after which the policy will move to the corporation house and then the government for a go-ahead," he said.

<http://www.hindustantimes.com/India-news/Mumbai/Our-shrinking-open-spaces/Article1-786832.aspx>

CAG questions state's flat allotment to MLAs

By: Ravikiran Deshmukh **Date:** 2011-12-02 **Place:** Mumbai

Watchdog cites various breaches in allotment of 225 flats in Rajyog Society, Versova; around 70 have been rented out, while legislators continue to stay in MLA hostels in SoBo.

After the Comptroller and Auditor General (CAG) questioned the allotment of 225 flats to sitting and former MLAs and MLCs in a MHADA building in Versova, controversy clutches the entire process adopted by the Congress-led state government in doling out the flats in 2009. A draft report prepared by the national watchdog has found a number of loopholes in the allotment process and the occupation of the two-bedroom flats of 1,000 sq ft each in Rajyog society.

It has emerged that roughly around 70 legislators - who were considered for allotment on the basis that they did not own a residential property within city limits - have rented out their flats soon after obtaining them, while they themselves continue to stay in MLA hostels. Top sources cited the draft report to say that the beneficiaries of the allotment are not eligible for a government accommodation provided to them in the MLA hostels in South Mumbai. "Quoting a MHADA rule, the CAG report states that it is erratic that almost all the members who got possession in Rajyog society in Versova continue to occupy rooms in MLA hostels," a highly-placed source said.

CAG observations

Sources told MiD DAY that CAG questioned why all of the 225 flats in the society were handed over when the society could submit a list of not more than 214 beneficiaries. Moreover, despite overshooting the specified number, as many as 28 flats remained vacant until August this year since the actual possession was given to a lesser number of members.

Later, a few more names were added to the list of members, taking the number of beneficiaries to 222, still short of the actual number of allotments made. This when there

is a huge demand for houses by the general public in the city.

The CAG also noted that the society has failed to adhere to the norm of reservation quota as only 35 persons from the reserved category were offered membership in the society, when their number should have been 45.

Under-payment

Coming to expenditure, even two years after the flats were allotted in August 2009, Rajyog society has not paid the entire cost of the 225 flats which is Rs 95 crore. It has paid only Rs 86 crore for 203 flats.

Incidentally, while each flat has been allotted at Rs 42.46 lakh, its current market value is around Rs 1.5 crore.

Only for 'homeless'

Furthermore, according to MHADA regulation, the allottees or their spouses or minor children should not possess a residential property in the municipal limit.

The CAG audit says that Bhagyashri, wife of Parliamentary Affairs and Cooperation Minister Harshwardhan Patil, who is the chief promoter of the society, Minister of State for PWD Ranjit Kamble and former MoS Chandrakant Chhajed were already members of the Ashirvad Cooperative Housing Society in Andheri when they were allotted the Rajyog flats in 2009.

Meanwhile, sources told this newspaper that most of the tenants in Rajyog society were artists and members from production units of TV serials.

Rs 46.46 lakh

Cost at which the flats in Rajyog Society, Versova were given to MLAs

Rs 1.5 crore

Market value of each flat

<http://www.mid-day.com/news/2011/dec/021211-CAG-questions-states-flat-allotment-to-MLAs.htm>