

It is proposed that clause 5.2 (iii) and 5.2 (iv) of the draft Notification, 2018 and the 5 PPT norms be deleted from the draft Notification.

(10) As mentioned in the aforesaid paras, the comments on the draft regulations have been compiled and suitable changes as mentioned in para 6/N above have been made. The same may kindly be accepted.

(11) In addition to above, there is one more issue that deserves consideration. In the draft CRZ 2018 in CRZ-II areas the buildings are being permitted subject to the local town and country planning regulations and the floor space index (FSI) as on the date of this Notification is being proposed. A similar provision also exist for reconstruction by authorized buildings. These regulations are at 5.2 (iii) and 5.2 (iv) of the proposed CRZ, 2018 regulations.

(12) It may kindly be noted that the Shailash Nayak Committee Report, which was the basis of the draft CRZ, 2018 regulations, had recommended that the FSI norms should be determined by the local town and country planning regulations prevalent from time to time. By specifying that this would be frozen as on the date of proposed Notification, the implication would be that if the local regulations in the State undergo any change it would not automatically apply to the CRZ regulations which would continue to be frozen on the date on which the CRZ is notified. It may also be recalled that a major criticism of the CRZ regulations from the States has been that freezing FSI has resulted in not updating the CRZ norms in tune with the changes in the local town and country planning regulations. This issue has been raised by a number of stakeholders (including Government of Maharashtra) while giving comments on our draft regulations. This is a valid point that needs to be addressed. Further, there is no added benefit for sound environmental management by retaining this provision. It is therefore, proposed that the stipulation "prevailing as on the date of this Notification" in both sections 5.2 (iii) and (iv) may be dropped and replaced by "prevailing from time to time". This is in line with the recommendations of the Shailash Nayak Committee and is also justified in view of the reasons stated above.