



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

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FC-I/MH-142/2019-NGP/5384

Dated: 11th June, 2019

To

✓ The Secretary (Forests),
Government of Maharashtra,
Revenue & Forest Department,
Mantralaya, Mumbai-400032

Sub: Diversion of 0.1395 ha Forest Land in favour of Shaikh Gafar Shaikh Kadar and Other 32 farmers for laying of Underground pipeline for agricultural irrigation purpose in Village Deulgaon Sakarsha, Taluka Mehkar in Buldhana District in the State of Maharashtra-regarding.

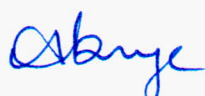
Sir,

I am directed to refer to the State Government of Maharashtra's letter no. FLD-2018/CR-255/F-10 dated 13.02.2019 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Regional Office (WCZ) in light of relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, the Central Government hereby accords 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 0.1395 ha Forest Land in favour of Shaikh Gafar Shaikh Kadar and Other 32 farmers for laying of Underground pipeline for agricultural irrigation purpose in Village Deulgaon Sakarsha, Taluka Mehkar in Buldhana District in the State of Maharashtra subject to the fulfilment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. **Compensatory afforestation**
The State Forest Department shall undertake plantation of 10 times number of trees to be felled over degraded forest land as compensatory afforestation, in lieu of forest land being diverted at the cost of the User Agency;
- iii. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. **NPV:**

- a) The State Government shall charge the Net Present Value(NPV) for the 0.1395 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard
- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- v. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- vi. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
- vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- viii. The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be levelled.
- ix. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- x. The layout plan of the proposal shall not be changed without prior approval of Central Government.
- xi. No labour camp shall be established on the forest land.
- xii. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- xiii. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- xiv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xv. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- xvi. The forest land shall not be used for any purpose other than that specified in the project proposal.
- xvii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- xviii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.



- xix. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- xx. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of a report on the compliance of conditions no iii, iv (a), vi, vii and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,



(Dr. E Arockia Lenin)

Scientist 'C'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.



(Dr. E Arockia Lenin)

Scientist 'C'