



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

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
E-mail: apccfcentral-ngp-mef@gov.in

F.No. FC-I/MH-117/2018-NGP/4733

Date: 02.01.2019

✓ To,

The Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai – 400032.

Sub: Diversion of 0.1911 ha. Reserved Forest land in favour of M/s P.P.Kharpatil Construction Pvt Ltd., Uran for construction of approach road, laying of underground Electric Cable and 6" diameter G.I. Water pipe in view of the common and basic amenities to access the land of Shri. Pandurang Parshuram Kharpatil in Survey no. 195/0 in Raigad District in the State of Maharashtra - Regarding.

Sir,

The undersigned is directed to refer to State Government letter No. FLD-1317/CR-283/F-10 dated 29.08.2018 and APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/NC/II/ID 12517/(61)/879/2017-18 dated 14.07.2017 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' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 0.1911 ha. Reserved Forest land in favour of M/s P.P.Kharpatil Construction Pvt Ltd., Uran for construction of approach road, laying of underground Electric Cable and 6" diameter G.I. Water pipe in view of the common and basic amenities to access the land of Shri. Pandurang Parshuram Kharpatil in Survey no. 195/0 in Raigad District in the State of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) 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) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- (v) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (vi) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to CAMPA in the Savings Bank Account pertaining to the State concerned;
- (vii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (viii) The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (ix) The User agency, if required, will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted along with Stage-I compliance report;
- (x) No labour camp shall be established on the forest land;
- (xi) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xii) Stacking of dug out soil shall be undertaken within the RoW proposed and under no circumstances, forest land other than being sought for diversion, shall be used for stacking of soil.
- (xiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xvi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xvii) Original copy of Part- IV shall be submitted along with Stage- I compliance report;
- (xviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xix) The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, have been completed in accordance with the relevant guidelines issued by the MoEF&CC in this regard. Original certificate along with documentary evidences in the form of copies of the resolutions of the concerned Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) recording their consent for the proposal and bearing signature of the participants shall be submitted along with Stage- I compliance report;



- (xx) The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xxi) The User Agency will allow the road to be used as a through fare/ public road and will allow movement of all vehicles, belonging to other households/ land owners also;
- (xxii) The State Government will ensure that this road is used for access to their lands by other residents of the area also, and road is maintained as a public road;
- (xxiii) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- (xxiv) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- (xxv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xxvi) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court/ Tribunal directions for the time being in force, as applicable to the project; and
- (xxvii) The State Government, if so desire, may consider the proposal for grant of working permission in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015. However, working permission, if considered by the State Government should be accorded only after ensuring complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

After receipt of a report on the compliance of conditions no (iii), (iv), (vi), (xvii), (xix), 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. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

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'