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PART -V

(To be filled in by the Secretary in charge of the Forest Department or any other authorized officer of the State Government not below the rank of under Secretary)

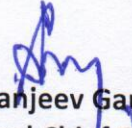
Sub.:- Executive Engineer, PWD Division, Palghar, has submitted the proposal for construction of Railway over bridge in lieu of level crossing No 8 on Diva-Vasai Railway line at village Sasaunavghar, Tal-Vasai, Distt-Palghar in the State of Maharashtra for which 0.4350 ha Reserved Forest land required under Section - 2 (ii) of the Forest (Conservation) Act, 1980 has been proposed by user agency. The details of the forest land proposed for diversion is as under :-

Sr. No.	Name of Village, Taluka & District	Survey Nos	length x Width (mtrs)	Area in Sqm	Area in ha.	Legal Status	Purpose
1	Village- Sasunavghar	Old Survey	144.262 x 24.001	3462.486	0.3462	Reserved Forest	Construction of Railway over Bridge (ROB) on Diva-Vasai
2	Tal-Vasai District- Palghar	No 274 (New survey No 54)	162.112 x 5.4755	887.644	0.0888	Reserved Forest	
Total					0.4350		

Recommended:

(MoEF, Government of India, vide letter No.5-5/86-FC (Pt) dated 17/4/2000 has suggested to submit proposals for projects in social sector requiring forest area up to 5.00 Ha., directly to Government of India. Accordingly, Government of Maharashtra has delegated the power to the Nodal Officer, Maharashtra State vide No. FLD-1000/CR-187/F-10 dated 10/05/2000 to submit proposals less than 5.00 Ha. (excluding National Parks and Sanctuaries) directly to Regional Office, MoEF&CC.)

Date : 17/03/2020
Place : Nagpur


(Sanjeev Gaur)
Additional Principal Chief Conservator of Forests
& Nodal Officer


14/03

PART -IV**Nodal Officer or Principal Chief Conservator of Forests (Head of Forest Force)**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.:- Executive Engineer, PWD Division, Palghar, has submitted the proposal for construction of Railway over bridge in lieu of level crossing No 8 on Diva-Vasai Railway line at village Sasaunavghar, Tal-Vasai, Distt-Palghar in the State of Maharashtra for which 0.4350 ha Reserved Forest land required under Section - 2 (ii) of the Forest (Conservation) Act, 1980 has been proposed by user agency. The details of the forest land proposed for diversion is as under :-

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2	Tal-Vasai District-Palghar	No 274 (New survey No 54)	162.112 x 5.4755	887.644	0.0888	Reserved Forest	
Total					0.4350		

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 24A.

Date : 17/03/2020
Place : Nagpur

(Sanjeev Gaur)
Additional Principal Chief Conservator of Forests
& Nodal Officer

[Signature]
14/03



Certified by ISO
9001:2015

Office of the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State

Additional Principal Chief Conservator of Forests and Nodal Officer,
Maharashtra State, Nagpur

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001

Tel no. (0712) 2556916, Fax no. (0712) 2550675

E-mail- apccfnodal@mahaforest.gov.in Website: www.mahaforest.gov.in

Sub:- Diversion of 0.4350 Reserved Forest land for construction of Railway over bridge in lieu of level crossing No 8 on Diva-Vasai Railway line at village Sasaunavghar, Tal-Vasai, Distt-Palghar in the State of Maharashtra..

No. : Desk-17/NC/II/ID 12773/(69)/2058/2019-20
Nagpur - 440 001, Dated: 16/03/2020

To ,

The Deputy Director General Forests (Central) ,
Government of India, Ministry of Environment, Forests & Climate Change,
Regional Office (WCZ), Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur 440001

Ref:- Chief Conservator of forests, (T) Thane letter No Desk-10/FCA/CR-52/19-20/OW- 614/19-20 dated 29/01/2020. C-21

The Executive Engineer, PWD Division, Palghar, PWD Compound, Station Road, Palghar has submitted the proposal for diversion of 0.4350 ha. of Reserved Forest land under Section 2 (ii) of the Forest (Conservation) Act, 1980 for construction of Railway over bridge in lieu of level crossing No 8 on Diva-Vasai Railway line at village Sasaunavghar, Tal-Vasai, Distt-Palghar in the State of Maharashtra. Total non forest area involved in the project is 0.8178 ha. Details of Forest land involved in the project is as under :-

Sr. No.	Name of Village, Taluka & District	Survey Nos	length x Width (mtrs)	Area in Sqm	Area in ha.	Legal Status	Purpose
1	Village- Sasunavghar	Old Survey	144.262 x 24.001	3462.486	0.3462	Reserved Forest	Construction of Railway over Bridge (ROB) on Diva-Vasai
2	Tal-Vasai District- Palghar	No 274 (New survey No 54)	162.112 x 5.4755	887.644	0.0888	Reserved Forest	
Total					0.4350		

2. The User Agency has highlighted that :-

2.1 The Ministry of Railway decided to construct Dedicated Freight Corridor from Jawaharlal Neharu Port Raigad to Dadari, Delhi. This line is running parallel to existing Diva Vasai Railway line. There will be no level crossing on this Dedicated Freight Corridor and all level crossings will be closed by constructing the Rail Over Bridge or Under passes. Ministry of Railway has sanctioned construction of new Railway Over Bridge on Diva Vasai Railway in lieu of level crossings on cost sharing basis with Govt

of Maharashtra. The Govt of Maharashtra has given administrative approval vide GR dated 17/02/2016. It is decided to construct Main Bridge on Railway land by Railway Department and the Viaduct, approaches and service roads by Public Works Department .

- 2.2 The proposed linear project passes through forest and non forest area of village Sasunavghar. The length of bridge is 0.700 km and width of the proposed approach road is 3.00 m to 30.00 m. The over bridge is to be constructed with the aim of saving time and reducing congestion in city Railways. It will also save time of goods transportation from JNPT to other parts of India. Total 0.4350 ha. forest land involved in the project. There is no option other than forest land for construction of ROB, therefore proposal for diversion of 0.4350ha forest land submitted under the section 2 (ii) of the FCA, 1980.

3. Chief Conservator of Forests (T) Thane has submitted the proposal vide letter dated 29/01/2020 submitted the proposal along with following documents :-

4.1 Deputy Conservator of Forests, Thane, Certified that :-

4.1.1 No suitable alternative non forest land is available for the proposed project and demand for the required forest land is minimum.

4.1.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it , have not been violated by user agency .

4.1.3 Wildlife Ceretificate

The proposed area of project is not included in the area of any National Park/Wildlife Sanctuary or Nature reserve.

The proposed area is within 700 Mtr from Tungreshwar Wildlife Sanctuary, and this area is included in the Eco Sensitive Zone of the Sanjay Gandhi National Park.

4.1.4 The Deputy Conservator of Forests, Thane has submitted the site inspection reports dated 18/04/2019.

4.1.5 The proposed forest area for the project belongs to Eco Class – I, having density below 0.4

4.1.6 1.00 ha degraded forest land of Survey No 83 (Old 284) of village Rajivali, Tal-Vasai, Distt- Palghar has been identified for Compensatory afforestation and it is suitable for afforestation and management purpose also it is free from encroachment and an encumbrances. CA Scheme for 10 years submitted.

4.1.7 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

4.1.8 There are 19 trees which felling is involved in the proposed project . Girth wise details are as under :-

Girth details in cms									
Below 30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	Above 136	Total
00	03	07	04	02	01	00	00	01	19

4.1.9 Mangrove area is not involved in the proposed project.

- 4.1.10 The non forest land covered under the project is not under the provision of Maharashtra Private forest (Acquisition) Act 1975 by virtue of application of section 35 of Indian Forest Act 1927, and are not recognized as deemed reserved forest as well as not included in the area identified as "Forest" as per dictionary meaning of forest as intimated to the expert committee under interim judgment of the Hon'ble Supreme Court dated 12/12/1996 .
- 4.2 **The user agency has submitted the following undertakings :-**
- 4.2.1 Agrees to pay Net Present Value (NPV) for the proposed forest land .
- 4.2.2 Agrees to bear the cost of Compensatory Afforestation.
- 4.2.3 Agrees to bear the cost of clearance/removal of vegetation growth from the proposed forest land.
- 4.2.4 Agrees to bear the cost of old plantation falling in the alignment of proposed project.
- 4.2.5 The user agency has not submitted the compliance of FRA-2006 however submitted the undertaking stating that FRA-2006 certificate will be submitted as and when it received from Collector Thane.
- 4.2.6 The User Agency has submitted the cross section map.
5. Deputy Conservator of Forests, Thane recommended the proposal for approval as this project is for infrastructure development and public use and which required less than 1.00 ha forest land , project proponent is ready to bear all Government levies hence the proposal is being recommended for approval for diverting the required forest land under FCA, 1980.
6. The Chief Conservator of Forests (T), Thane recommended the proposal for approval.
7. **In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-**
- 7.1 The legal status of the land required will remain unchanged.
- 7.2 Compensatory Afforestation will be raised at the cost of user agency over 1.00 ha degraded forest land of Survey No 83 (Old 284) of village Rajivali, Tal-Vasai, Distt-Palghar . As far as possible, mixture of local indigenous species shall be planted and monoculture of any species may e avoided.
- 7.3 The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the User Agency. The CA scheme will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years
- 7.4 The user agency will defray the cost of Net Present Value of 0.4350 ha. of forest land as per latest guidelines of Government of India
- 7.5 The User Agency will defray the additional / revised cost of Net Present Value of Forest land as per the latest Guideline of Government of India.
- 7.6 The User Agency shall restrict the felling of trees to minimum number in the proposed forest land and the trees shall be felled under the strict supervision of the concerned Forest Department and the cost of felling of trees shall be deposited by the User Agency with the concerned Forest Department.

- 7.7 The complete compliance of the FRA-2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 7.8 The layout of the proposal shall not be changed without prior approval of Central Government
- 7.9 No labour camp shall be established on the forest land.
- 7.10 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 7.11 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.
- 7.12 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.13 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.
- 7.14 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 Guidelines F No. 11-42/2017-FC dated 29/01/2018.
- 7.15 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.

8. It is therefore requested that the Central Government may kindly be moved to approve diversion of 0.4350 ha. Reserved Forest land in favour of Executive Engineer, PWD Division, Palghar, for construction of Railway over bridge in lieu of level crossing No 8 on Diva-Vasai Railway line at village Sasaunavghar, Tal-Vasai, Distt-Palghar in the State of Maharashtra under section (ii) of the Forest (Conservation) Act 1980.

Encls : As above


(Sanjeev Gaur)
Additional Principal Chief Conservator of Forests
& Nodal Officer


Copy submitted to Additional Chief Secretary (Forest), Revenue & Forest Department, Mantralaya, Mumbai -32 for information alongwith a copy of proposal.

Copy forwarded to Chief Conservator of Forests, (T) Thane for information.

Copy forwarded to Deputy Conservator of Forests, Thane for information.

Copy forwarded to The Executive Engineer, PWD Division, Palghar, PWD Compound, Station Road, Palghar for information.

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Proposal for diversion of 0.4350 ha. of Reserved Forest land for construction of Railway over bridge in lieu of level crossing No 8 on Diva-Vasai Railway line at village Sasaunavghar, Tal-Vasai, Distt-Palghar in the State of Maharashtra.

Specific recommendation of Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State with regards to acceptance or otherwise of the proposal supported by reasons.

The Executive Engineer, PWD Division, Palghar, PWD Compound, Station Road, Palghar has submitted the proposal for diversion of 0.4350 ha. of Reserved Forest land under Section 2 (ii) of the Forest (Conservation) Act, 1980 for construction of Railway over bridge in lieu of level crossing No 8 on Diva-Vasai Railway line at village Sasaunavghar, Tal-Vasai, Distt-Palghar in the State of Maharashtra. Total non forest area involved in the project is 0.8178 ha. Details of Forest land involved in the project is as under :-

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2. The User Agency has highlighted that :-

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C/21 3. Chief Conservator of Forests (T) Thane has submitted the proposal vide letter dated 29/01/2020 submitted the proposal along with following documents :-

4.1 Deputy Conservator of Forests, Thane, Certified that :-

P/29-30

4.1.1 No suitable alternative non forest land is available for the proposed project and demand for the required forest land is minimum.

P/31

4.1.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it, have not been violated by user agency.

P/35-36

4.1.3 Wildlife Certificate

The proposed area of project is not included in the area of any National Park/Wildlife Sanctuary or Nature reserve.

The proposed area is within 700 Mtr from Tungreshwar Wildlife Sanctuary, and this area is included in the Eco Sensitive Zone of the Sanjay Gandhi National Park.

P/52-53

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P/37

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P/56

P/58-59

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P/34

4.1.7 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

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P/38

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P/33

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P/44

4.2.1 Agrees to pay Net Present Value (NPV) for the proposed forest land.

P/42

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P/45

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- 4.2.5 The user agency has not submitted the compliance of FRA-2006 however submitted the undertaking stating that FRA-2006 certificate will be submitted as and when it received from Collector Thane. P/50
- 4.2.6 The User Agency has submitted the cross section map. P/75
5. Deputy Conservator of Forests, Thane recommended the proposal for approval as this project is for infrastructure development and public use and which required less than 1.00 ha forest land, project proponent is ready to bear all Government levies hence the proposal is being recommended for approval for diverting the required forest land under FCA, 1980. P/20-22
6. The Chief Conservator of Forests (T), Thane recommended the proposal for approval. P/23
- 7. In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-**
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(Dr. N. Rambabu)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur


19/03/2020


11/3/2020