

Government of Maharashtra

No.FLD-1923/CR-155/F-10

Revenue and Forest Department,
Mantralaya, Mumbai - 400 032.

Dated:- 21.06.2023.

To,

Regional Officer (Central),
Integrated Regional Office, MoEF&CC,
Government of India, Civil Lines, Nagpur.

Subject: Forest Land-Pune

Diversion of 0.585 ha. (**Revised Area 0.495 ha.**) Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of approach road for industries at Koregaon Bhima, Tal Shirur, Dist. Pune in the State of Maharashtra (FP/MH/Road/36038/2018)

The Additional Principal Chief Conservator of Forests, Maharashtra State, Nagpur has submitted proposal for diversion of 0.585 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of approach road for industries at Koregaon Bhima, Tal Shirur, Dist. Pune in the State of Maharashtra. Total 0.585 ha. area includes area for construction of two roads having length 550 m. and 100 m., as a road having 100 m. length bisects the Forest land and can be avoided. Therefore, Government of Maharashtra has considered diversion of 0.495 ha. Forest land for road having length 550 m. only.

The details of forest land proposed for diversion are as under:-

Sr. No.	Item work purpose	Name of Village	Taluka	Dist	Survey/ Gut No.	Length & Width	Area (in ha)	Legal Status
1	Construction of approach road	Koregaon Bhima	Shirur	Pune	676	70 X 9	0.063	Reserved Forest
					677	90 X 9	0.081	
					678	70 X 9	0.063	
					679	320 X 9	0.288	
Total Forest Land (Ha.)							0.495	

2. The Forest Gut No.676, 677, 678 and 679 are lies exactly in between Pune-Ahmednagar road and the industries area. Earlier the land was under revenue department and later handed over to Forest Department in 1999. The proposed road is an existing

approach road mentioned in topo sheet and it is being used by local villagers and the companies nearby.

3. The Deputy Conservator of Forests, Junnar has certified that:-

- 3.1) No alternate alignment is possible and the forest land required is lowest minimum.
- 3.2) The area belongs to Eco-value class-III having density is 0.04 (open forest).
- 3.3) There is no tree felling involved in the project.
- 3.4) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 3.5) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- 3.6) There is violation of Forest (Conservation) Act, 1980. The detail violation report is enclosed on file page No.52 to 49.
- 3.7) Proposed project is 42 Km. away from Mayureshwar Wildlife Sanctuary.
- 3.8) The non-forest area 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 appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 3.9) Compensatory Afforestation is proposed over 1.00 ha. degraded forest land in Compt. No.310 at Village Inamgaon, Tal. Shirur, Dist. Pune and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

4. The User Agency has submitted undertakings:-

- 4.1 to bear the cost of Net Present Value.
 - 4.2 to defray the cost of Compensatory Afforestation.
5. The Deputy Conservator of Forests has recommended that the proposed road is dividing forest land into two parts. The land is very precious because of industrialization of surrounding area. Hence protection of the area either by chain link or by compound wall on both sides of the proposed road has to be done by the user agency.
6. Chief Conservator of Forests (T), Pune has recommended that Shirur Taluka is home to estimated 125 leopards and has become the epicenter of man animal conflicts: the user Agency shall provide a customized rescue van and two four wheeler vehicles for effective monitoring and management of wildlife in the area.

7. Nodal Officer had sought additional information on following points:-

Sr. No.	Points	Compliance
1	What action taken by the Authorized Officer under section 53,54 and 237 of MLRC Act, 1966 need to be ascertain. Justification to be submitted.	The said area is declared as Reserved forest under Government Notification No.7537, dated 25.10.1886. However, this area was transferred to the Revenue Department vide then Government Resolution No.112270, dated 18.11.1907 for management purpose. This area was under possession Revenue Department up to 23.02.1999 for about 98 years. Then revenue department handed over this land to the forest Department on date 24.02.1999. Previously, there was an existing road for the access of nearby villages. The same road was used by the project agency as well as local people of nearby villages Wadhu BK, Pimpale Jagtap, Karandi, Shikrapur, Sanaswadi, Dingrajwadi, Darekarwadi, Dhanora, Talegaon, Dhamdhere etc. The project agency has upgraded the road in existing width on 0.585 ha. area of this forest land with due permission. In this regard, the project agency has submitted a proposal for forest clearance along with violation report. As there was not any encroachment done on forest land, and the existing road mentioned in toposheet was upgraded action under sections 53, 54 and 237 under the MLRC Act, 1966 need not be taken. This is our opinion. It is requested that the said opinion be maintained in the case.
2	Action taken report to be submitted as per para 1.21 (i) (a) of the Handbook dated 28/03/2019.	In the case, the project agency has submitted a proposal along with the action of forest violation. According to the site inspection report, it is mentioned that the project agency and other 21 industrial units of this premises shall do tripartite agreements with forest department and each company/ industrial units should plant saplings on 10 hectares of degraded forest area along with provision of warring to plants for three years from their CSR fund. To mitigate the high scale leopard-human conflict in Junnar forest division, one patrolling and rescue van shall be provided by the industrial units and it is also mandatory for the companies to construct chain link fencing to the proposed roads and plantation sites. These three conditions are stipulated as per Handbook dated 28/03/2019 in the site inspection report of present case.
3	Cogent Justification of proposal is Site Specific to be submitted as per para 1.15 of the Handbook dated 28/03/2019.	The said area has been handed over by the revenue department to Forest Department as on 24.02.1999. Earlier the said area was under the control of the revenue department. So, the use of this area was traditionally for thoroughfare. As the industrial units and villagers of the surrounding villages have no alternative to present road and they are using it since many years before the land came in possession of forest department. In view of the

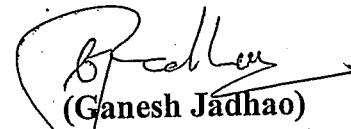
		above circumstances, this proposal is specific for recommendation.
4	Your office has mentioned in its Part-III shirur takuka is home to an estimated 125 leopards and has become the epicenter of man animal conflicts. If any mitigation suggested the copy of the same to be submitted.	Well equipped vehicles with modern facilities have been demanded for patrolling, public awareness and rescue operations in the said area to mitigate the human-leopard conflict in this area.
5	The proposal is only commercial purpose. Justification to be submitted.	The residents of nearby villages viz Wadhu Bk., Pimpale Jagtap, Karandi, Shikrapur, Sanaswadi, Dingrajwadi, Darekarwadi, Dhanore & Talegaon Dhamdhere etc. are using this road since many years and also the industrial units are using the same even before the land came in possession of forest department. Hence, not only the industrial units but nearby villagers are also using this road it is unjust to say that the proposal is of only commercial purpose.
6	Prima-facia the said proposal does not fit to be submitted under Forest (Conservation) Act, 1980 for prior permission by the Central Government.	The said proposal is fit to be submitted under Forest (Conservation) Act, 1980 in view of the facts mentioned in point no. 1 to 5 and also in the detailed proposal.

8. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.
9. MoEF&CC has issued guidelines regarding processing of proposals involving ex-post facto approval vide letter dt. 22.03.2022 & 08.09.2022, accordingly proposal may be submitted to Ministry level. IRO, MoEF&CC is requested to forward this proposal to Head Office of MoEF&CC at New Delhi on PARIVESH portal, as system automatically sends it to IRO, MoEF&CC office due to required forest land is below 40 ha. and project is linear in nature.
10. In the circumstances explained in aforesaid paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted subject to the conditions proposed by the Deputy Conservator of Forests, Chief Conservator of Forests and Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur in addition to following conditions:-

1.	<i>User Agency shall submit the KML File and Record of Rights of Proposed Forest land, 10 years Compensatory Afforestation Scheme, before Stage-I approval.</i>
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2.	<i>User Agency shall submit FRA-2006 Certificate, prior to diversion order issued by the State Government.</i>
3.	<i>The Deputy Conservator of Forests, Junnar shall ensure that the newly prepared 100 m. road is closed with immediate effect.</i>
4.	<i>User Agency has to pay Penal NPV/CA Cost for 0.090 ha Forest area, as industries have constructed 100 m. length road without prior permission of the Competent Authority and violated the Forest (Conservation) Act, 1980.</i>

The matter may kindly be placed before the MoEF&CC (Head Quarter), New Delhi as per its guidelines dated 22.03.2022 for approval under Section-2 (ii) of the Forest (Conservation) Act, 1980.


(Ganesh Jadhao)

Under Secretary to the
Government of Maharashtra

Under Secretary
Revenue and Forests Department
Hutatma Rajguru Chowk
Madam Cama Road, Marolalaya
Mumbai 400 032

Encl: A) Set of case papers

B) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Area Statement
3. Commitment from the Applicant for defraying the cost of Net Present Value & Compensatory Afforestation.
4. Brief note of the project
5. Site Inspection Report.
6. Certificate in Part IV.

Copy:

1. Secretary, Ministry of Environment, Forests & Climate Change, New Delhi
2. Regional Officer (Central), Integrated Regional Office, Nagpur
3. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur
4. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/Nodal/Pune/ID-12784(20)/184/2022-23, Dt. 20.04.2023.
5. Chief Conservator of Forests (T), Pune.
6. Deputy Conservator of Forests, Junnar.
7. Project Authority, Mrs. Sandhya Kanakia, Praj Industries Ltd., Sanaswadi.
8. Select File (F-10)

Sub:- Forest Land-Pune

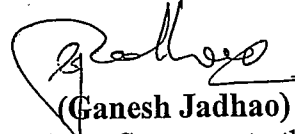
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PART -V

(To be filled up by the Secretary In charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

**1. Recommendation of the
State Government**

The proposal is recommended
vide Government letter
No. FLD-1923/CR-155/F-10
Dated:-21.06.2023



(Ganesh Jadhao)
Under Secretary to the
Government of Maharashtra

Under Secretary
Revenue and Forests Department
Hutatma Rajguru Chowk
Madam Cama Road, Marol Bhayander,
Mumbai 400 032

Place: Mumbai

Date:-21.06.2023