

Government of Maharashtra

No.FLD-3123/C.R.140/F-10
Revenue and Forest Department,
Mantralaya, Mumbai - 400 032.
Dated:- 27.09.2023

To,
Deputy Director General of Forests (Central),
Regional Office, MoEF&CC,
Government of India,
Civil Lines, Nagpur.

Subject: Forest Land-Amravati

Proposal for diversion of 14.979 ha. Forest land Rehabilitation and Up gradation of Amravati-Nandagaon-Morshi-Warud-Pondhurna National Highway from existing (Design km 0.00 to 43.00) (Package-I) and existing Km Maharashtra/ Madhya Pradesh State Border upto Wardha River Bridge (Design 43000 to 95.390 km) (Package-II) to two lane with paved shoulders in the State of Maharashtra has been initiated by the executive engineer, NH Division, Amravati for seeking approval under Forest (Conservation) Act, 1980 (FP/MH/Road/24710/2017)

The Additional Principal Chief Conservator of Forests, Maharashtra State, Nagpur has submitted proposal for diversion of 14.979 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for Rehabilitation and Up gradation of Amravati-Nandagaon-Morshi-Warud-Pondhurna National Highway from existing (Design km 0.00 to 43.00) (Package-I) and existing Km Maharashtra/ Madhya Pradesh State Border upto Wardha River Bridge (Design 43000 to 95.390 km) (Package-II) to two lane with paved shoulders in the State of Maharashtra.

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

Sr. No.	Item work purpose	Compt. No.		Name of Village	Sur/ Gut No.	Distance in km	Proposed Width	Area (in ha)	Status
		Old	New						
1	Rehabilitation and up	442	744	Sawarkhed	370, 297	0.455	23.00	1.047	Reserve Forest
2	gradation of Amravati-	312b	715	Daryapur	24 & 25	0.146	11.50	0.168	
3	Nandgaon –	318b	546	Yerla	2	0.175	11.50	0.201	

4	Morshi- Warud- Pandurna National Highway in the State of Maharashtra	378	584	Maiwadi	57	0.074	11.50	0.085
5		361	1104	Kekatlwada	57 & 58	0.494	23.00	1.136
6		427	1088	Pusla	420, 415, 421, 423, 412, 410	1.048	23.00	2.410
		426	1087		184, 164, 163, 161, 162,	1.140	23.00	2.622
7		426	1087	Pandhari	139, 138	0.321	23.00	0.738
		408	1013		125, 126, 128	0.162	23.00	0.373
		106	1020		134, 128	0.131	11.50	0.151
		104a	1033		80, 78, 49	0.329	23.00	0.757
		104a	1032		43, 42, 41, 40	1.823	11.50	2.096
8		102b	1012	Mahendri	70, 82, 36	1.456	11.50	1.674
		103b	1031		11,69	0.571	23.00	1.313
		390	1017		70,63	0.090	23.00	0.207
Total Forest Area (in ha.)								14.979

2. The proposed road for Up-gradation of Nandgaonpeth- Morshi-Warud-Pandhurna Road upto State Border NH No 353 K existing highway, there will be overall development of the project area in terms of transportation of agriculture produces, easy access to education, health marked etc. Improved access to tourist places, higher education facilities and modern health facilities. Strengthening of both rural & urban economic scenario of the state. Improved road connectivity helps in better implementation and management of government schemes. The project stretch is very important National Highway connecting MP border. The project road is located entirely in district Amravati so the entire population of district will be benefited in addition to nearest State Madhya Pradesh. These populations are directly benefited in addition to thousands of tourist/ travelers and freight etc. Hence, User Agency has submitted proposal under Forest (Conservation) Act, 1980 prior approval by the Central Government.

3. Deputy Conservator of Forests, Amravati 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 0.4 (Tropical Dry Deciduous Forests).
- 3.3) There are 2239 trees of various species and trees involved in implementation of the project. Girth wise break up of trees is as under:-

Tree Girth in Cm									Total
Below 30	31-45 cm	46-60 cm	61-75 cm	76-90 cm	91-105 cm	106 - 120 cm	121 -135 cm	136- above	
917	261	265	249	204	120	88	35	100	2239

- 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, archeological or recreational importance.
- 3.6) Proposed project is beyond 10 kms from National Park/Wildlife Sanctuary.
- 3.7) Compensatory Afforestation is proposed over Compartment No.1101 area admeasuring 30.00 Ha. at Village-Molvihir, Taluka Warud, Dist. Amravati in Amravati Forest Division, Warud Range, Dhanodi Beat, it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances..
- 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) There is violation of Forest (Conservation) Act, 1980. The details violation report is enclosed The User Agency i.e. Executive Engineer, National Highway Authority of India, has carried out the works such as excavation, trench cutting, tree felling DLC, PQC, HPC, RCC Drain and tree felling on forest land without any formal approval from the Central Government. Hence, the violations are dealt as per the provision mention in the section 3A and 3B of the guidelines dated 29th January, 2018 issued by Ministry of Environment forest and Climate Change.
- Admeasuring area of 1.312 Ha. Reserve Forest is involved in violation. A penalty of Rs.10.60.763/- has been imposed on the User Agency vide this office letter no Survey/Forest conservation 1980/proposal 1932. dt.23/02/2019 for compensation the loss caused due to violation.

- Chief Conservator of Forest (T). Amravati has issued vide letter no.510(1)/4982 dated 20.2.2019 to Chief Engineer Public Works Department, Amravati to initiate disciplinary action against Shri. Zalate, Executive Engineer, NHAI Akola who has executed the work without prior approval from Central Government. A Departmental Enquiry is also in progress against the then RFO, Warud for not preventing and negligence in timely reporting the violation to this superior authority.

4. A Public Interest Litigation No 29/2019 has been filled filed by Shri. Umesh Ambadas Hiwarale. In this context, the status of the court matter shown are as under:-

- A public Interest Litigation No.29/2019 was filed by Shri Umesh Ambadas Hiwarale before the Hon'ble Bombay High Court. Nagpur Bench. There were 5 different issues raised by the petitioner in the said PIL. The issue no.5 is related to Nandgaon-Morshi-Warud-Pandhuma National Highway. Certain patches of Nandgaon-Morshi-Warud-Pandhurna road involve forest area of Morshi and Wanad Range. The road construction work was executed during the month of March and April 2018 The Executive Engineer, National Highway Authority of India. Akola and Nagpur Division started execution of works on Forest land without any formal approval from the Central Government. The Forest Department took cognizance and registered the PORS against the User Agency under section 26(1)(d), 26(1) (h) of Indian Forest Act. 1927 and section 2.3A and 38 of Forest (Conservation) Act, 1980.
- In the said PIL. the petitioner prayed to the Hon'ble High Court to take criminal proceedings against officials violating provisions of the Forest Conservation Act, 1980 in Nandgaon-Morshi-Warud-Pandhurna National Highway.
- The parawise reply was submitted to the Government of Maharashtra through proper channel. After getting the approval from the Government of Maharashtra. the affidavit was filed before the Hon'ble Bombay High Court, Nagpur Bench on dated 11th March 2020. The copy of affidavit in PIL No.29/2019 is enclosed in the file. (Annexure-1)
- The details of hearing before the Hon'ble Bombay High Court Nagpur Bench are enclosed in the file. (Annexure-2)
- Shri. V.A. Thakre, Assistant Government Pleader of Bombay High Court Nagpur Bench perusing the matter.
- As per the official website of Bombay High Court, Nagpur Bench the last date of hearing was on 24.11 2021. At present this matter is pending before the Registrar (Judicial) Bombay High Court, Nagpur Bench. (Annexure-3)

5. The User Agency has submitted undertakings:-

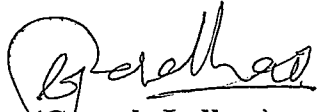
5.1 to defray the cost of Net Present Value.

5.2 to defray the cost of Compensatory Afforestation.

5.3 to submit compliance under FRA-2006.

6. 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.
7. 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.
8. In the circumstances explained in the aforesaid paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted subject the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur as well as following additional conditions:-
- The proposed Forest and Non Forest land is part Tiger Corridor. Hence, the user agency obtain wildlife clearance, prior to the commencement of work.
 - User agency shall submit record of rights of proposed forest land at-Pusla , Sur./Gut No. 184, 164, 163, 161, 162, Pandhari, Sur./Gut No.139, 138, 125, 126, 128, 34, 128, 80, 78, 49, 43, 42, 41, 40 & Mahendri, Sur./Gut No. 70, 82, 36, 11, 69, 63, before Stage-I approval.
 - The concerned Deputy Conservator of Forests shall ensure the legal status of proposed Forest land, prior to the commencement of work.

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

Encl: A) Set of case papers

B) The following documents are enclosed:-

- Prescribed form as per Rules.
- Area Statement

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

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 V.
7. Violation Report.

Copy:

1. Secretary, Ministry of Environment, Forests & Climate Change, New Delhi
2. Principal Chief Conservator of Forests (Wildlife), M.S., 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/Amravati/ID-12695/297/2023-24, Dt.26.04.2023 and Desk-17/FCA-S1/PID-24710/Amravati/756, Dt. 28.06.2023.
5. Chief Conservator of Forests (T), Amravati
6. Deputy Conservator of Forests, Amravati.
7. Executive Engineer, National Highway Division, Amravati Bandhkam Bhavan Camp, Amravati.
8. Select File (F-10)

Sub:- Forest Land- Amravati.

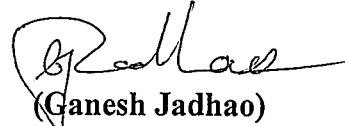
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PART - V

(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-3123/CR-140/F-10
Dated:-27/09/2023



(Ganesh Jadhao)
Under Secretary to the
Government of Maharashtra

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

Place: Mumbai

Date:-27/09/2023