

**Sub.:- Forest Land-Mumbai Sub-urban**

Diversion of 19.43 ha Reserved Forest land for construction of tunnel underneath Sanjay Gandhi National Park along Goregaon-Mulund Link Road by Municipal Corporation of Greater Mumbai in the State of Maharashtra.

**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-1119/ CR-96/ F-10  
Dated: 06/03/2019



(Virendra Tiwari)

Additional Principal Chief Conservator of Forest

**VIRENDRA TIWARI**

Additional Principal

Chief Conservator of Forests (Mantralaya)

Revenue and Forest Department

Mantralaya, Mumbai 400 032

Place : Mumbai

Date : 06/03/2019

## Government of Maharashtra

By Speed Post

No.FLD-1119/ C.R.96/ F-10  
Revenue and Forest Department,  
Room No.456/461 Annex,  
Hutatma Rajguru Chowk,  
Madam Cama Marg,  
Mantralaya, Mumbai- 400 032.  
Date: - 06/03/2019

To,

The Additional Principal Chief Conservator of Forests (Central),  
Government of India,  
Ministry of Environment, Forests & Climate Change,  
Regional Office, West Central Region,  
Ground Floor, East Wing,  
New Secretariat Building, Civil Lines,  
Nagpur- 440 001.

**Sub.:- Forest Land-Mumbai Sub-urban**

Diversion of 19.43 ha Reserved Forest land for construction of tunnel underneath Sanjay Gandhi National Park along Goregaon-Mulund Link Road by Municipal Corporation of Greater Mumbai in the State of Maharashtra.

Sir,

The proposal is for diversion of 19.43 ha reserved forest land for proposed construction of tunnel underneath of Sanjay Gandhi National Park along Goregaon-Mulund Link Road. The Length of twin tunnel in SGNP is 4.7 km. Total non-forest land involved in the project is 5.9094 ha. The detailed area statement of forest land is shown as under:-

Item of Work	Name of Village	District	Survey No.	Length x Width	Area in Sq. mtr.	Area (in Ha.)	Legal Status
Construction of Goregaon - Mulund Link Road	Gundgaon	Mumbai Suburban	Tunnel under SGNP MF 120,124 & 188	3604 x 45.75	164883	16.4883	Reserved Forest (National Park)
	Vihar		Tunnel under SGNP 56 & 57	328 x 45.75	15006	1.5006	Reserved Forest (National Park)
	Nahur		Tunnel under SGNP 177	315 x 45.75	14411.25	1.4411	Reserved Forest (National Park)
Total Area in Hectare						19.4300	

2. The proposal has been initiated by Chief Engineer, Goregaon-Mulund Link Road, Municipal Corporation of Greater Mumbai for diversion of 19.43 Ha. reserved forest land for proposed

construction of tunnel underneath the Sanjay Gandhi National Park along Goregaon-Mulund Link Road for diversion under section 2 (ii) of the Forest (Conservation) Act, 1980.

3. The user agency has highlighted that, with rapid growth of the Eastern and Western suburbs of Greater Mumbai, an urgent need was felt for strengthening of the East-West road connectivity. There is no East-West connectivity developed from JVLR to Ghodbandar Road i.e. about 19 km length due to Sanjay Gandhi National Park. Alternatives have been examined but due to various constraints namely, removal of large number of trees, safety of water reservoir, zigzag alignment, more number of PAPs in the proposed alignment along Aarey colony, L&T, IIT campus, significant land acquisition within Aarey colony, etc, it was concluded that an alignment involving construction of a tunnel underneath Sanjay Gandhi National Park shall be the most desirable option as alignment along the periphery of SGNP will not serve the purpose of reducing travel time and travel length. After exploring various options of alignment, the user agency has come up with the proposed alignment taking all possible efforts not to disturb the environment.

4. Chief Conservator of Forest and Director Sanjay Gandhi National Park, Borivali has certified that:-

- i. No suitable alternative non forest land available other than proposed forest land and demand for the required forest is barest minimum.
- ii. Provisions of the Forest (Conservation) Act, 1980 and guidelines thereunder it have not been violated by user agency.
- iii. The Compensatory afforestation land is not applicable as the required area of forest is underneath Sanjay Gandhi National Park.
- iv. 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.
- v. Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- vi. The required forest area for proposed project is underneath Sanjay Gandhi National Park, it does not involve diversion of any surface forest land and does not involve cutting of trees within forest land thereby offsetting any adverse impact on wildlife inside the National Park.
- vii. The forest area of Sanjay Gandhi National Park underneath which the alignment is proposed belongs to Eco Class – I having density 0.6 and above.
- viii. No cutting of trees in Sanjay Gandhi National Park forest land for this project as proposed project will be carried out 20 to 220m underground Sanjay Gandhi National Park without disturbing the surface area of Sanjay Gandhi National Park.
- ix. The proposed project is within Eco Sensitive Zone and will be carried out 20 to 220m underground SGNP without disturbing the surface area of Sanjay Gandhi National Park.
- x. The proposed project cannot be executed completely on non-forest land.
- xi. Chief Conservator of Forest, and Director Sanjay Gandhi National Park, Borivali has

submitted the site inspection report dated 16/01/2019.

- xii. The user agency has certified that Cost benefits analysis is not applicable for proposed project.
  - xiii. The user agency has certified that the proposed project is passing underneath Sanjay Gandhi National Park without disturbing the premise of SGNP in any way whatsoever, it can be ensured that there is no disturbance to flora and fauna and there is no adverse effect to the surrounding area.
  - xiv. The user agency has agreed to pay Net Present Value (NPV) if required for the proposed forest land.
  - xv. The user agency has certified that the as per MOEF&CC letter dated 30/05/2018 proposal does not attract provisions of EIA notification 2006.
  - xvi. The user agency has submitted the compliance under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006, vide Collector, Mumbai Sub-urban certificate dated 10/05/2018.
  - xvii. Chief Conservator of Forest and Director Sanjay Gandhi National Park, Borivali has recommended the proposal as it is public utility project for the benefit of the society.
  - xviii. Additional Principal Chief Conservator of Forests (Wildlife) West Mumbai has recommended the proposal subject to compliance of certain conditions.
5. The Additional Principal Chief Conservator of Forests (Wildlife) West Mumbai in his Site Inspection Report has recommended the NPV @ 50% of the normal rates based on the Ministry's letter dated 17/04/2018. However MOEF&CC in its letter dated 05/02/2009 has clarified that in case of forest land falling in National Park, use of forest land falling in National Park shall be permissible in totally unavoidable circumstances for public interest project and after obtaining permission from the Hon'ble Supreme Court. The said letter further clarifies that such permission may be considered on payment of amount equal to 10 times in case of National Parks. As per the said proposal the area falls in Eco Class I (NPV @ 10.43 lakh per Ha.)
6. The above stated MOEF&CC letter dated 17/04/2018 is addressed to PCCF (HOFF) and other authorities of Himachal Pradesh. It is not endorsed to any other State or Authority, so this letter shall not be relevant in the present case. The NPV shall be leaviable @ 10 times the normal rates as per GOI letter dated 05/02/2009.
7. The SBWL in its meeting held on 05/12/2018 has recommended the said proposal with the conditions stipulated by Chief Wildlife Warden , Maharashtra State which are as under :-
- i. The impact of the project on the Biodiversity needs to be assessed first along with Mitigation Measures for Wildlife.
  - ii. The project agency shall carry out a detailed study on the Aquifers of SGNP area with respect to Tulsi and Vihar lake. The proposal shall be cleared subject to the clearance from a reputed agency like IIT Powai that there shall be no damage to the aquifers and there shall

be no damage to the water of Tulsi and Vihar lakes.

- iii. In Nahur area, SGNP boundary wall and hill surface are in one line, so slum people are entering the park for defecation purpose since the proposed Tunnel exit is next to the wall, it will get damaged while laying the shaft and Tunnel work.
  - iv. The agency shall reconstruct the damaged wall and raise the height of wall to prevent unauthorized entries of the people. The length of wall to be repaired shall be decided by Chief Conservator of Forests & Director Sanjay Gandhi National Park Borivali.
  - v. Next to the SGNP boundary wall there are Encroachments in the Revenue area. Since Tunnel is opening in that Revenue area, the agency planned to rehabilitate around 700 encroachers of Nahur area. Within the park area, next to that location approximately 100 encroached huts are present. As per the State Government Policy, the agency shall rehabilitate SGNP encroachers (100 in number) along with Nahur slum, Rehabilitation by providing flats to the eligible encroachers of SGNP.
  - vi. The muck disposal plan shall be approved by the chief wildlife warden, and it shall be prepared by the agency.
  - vii. Detailed Hydrological studies shall be made with respect to the drainage of rain water during rainy season with respect to tunnel
  - viii. It shall be the responsibility of the agency to maintain the Air quality as prescribed by MOEF time to time.
  - ix. The forest department vehicles shall be permitted to use the tunnel without levying any toll.
  - x. As decided in the 8<sup>th</sup> meeting of State Board of Wildlife held on 20<sup>th</sup> February 2014, the project proponent shall deposit 2 % cost of the proposed project (1997.50 Crores) which passes through Sanjay Gandhi National Park, Borivali should be deposited with the Sanjay Gandhi National Park, Borivali of Maharashtra for the conservation of wildlife of Sanjay Gandhi National Park, Borivali & Tungreshwar Wildlife Sanctuary.
8. The Govt of Maharashtra vide letter dated 14/01/2019 has recommended the said proposal to the NBWL.
9. 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.
10. Municipal Corporation of Greater Mumbai has conveyed that there is no claim of surface rights within SGNP during execution and in future as well and requested to waive the Compensatory Afforestation, vide letter dated 26/02/2019. Considering the Clause 3.2 (vii), (c) in Chapter 3 of Forest (Conservation) Act, 1980 Handbook, it is requested that no Compensatory Afforestation shall be insisted upon.
11. In the circumstances explained in above paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted for the non-forestry use subject to the conditions proposed by the Principal Chief Conservator of Forests (HoFF),

Maharashtra State, Nagpur except condition No. 8.5 & 8.6. The matter may kindly be placed before Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act, 1980 and the same may please be obtained and communicated to this Government at earliest.

Yours faithfully,

*Virendra Tiwari*

(Virendra Tiwari)

6/3/19  
Additional Principal Chief Conservator of Forest  
(Mantralaya)

Encl: A) Set of case papers

b) The following documents are enclosed:-

1. Prescribed form as per Rules
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale
5. User Agency has given an undertaking of Net Present Value
6. Brief note of the project from the project authority
7. Site Inspection Report
8. Certificate that there is no violation of Forest (Conservation) Act, 1980
9. Certificate in Part-V

Copy to:

1. Principal Secretary (Tribal), Tribal Development Department, Mantralaya, Mumbai.
2. Additional Principal Chief Conservator of Forests (Wildlife), West Mumbai.
3. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur.
4. Additional Principal Chief Conservator of Forests & C.E.O (Maha-CAMPA), Maharashtra State, Nagpur.
5. Chief Conservator of Forests & Field Director, SGNP, Borivali.
6. Chief Engineer, Goregaon - Mulund Link Road, Municipal Corporation of Greater Mumbai.
7. Select File F-10.