

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF
FOREST FORCE), MAHARASHTRA STATE, NAGPUR**

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,
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Sub:- Proposal for diversion of 0.016 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground pipeline for agriculture purpose in Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra (FP/MH/Pipeline/81813/2020).

No. : Desk-17/Nodal/Pune /I.D-12904(22)/ 1662/2021-22
Nagpur – 440 001, Dated 11/12/2021

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralya, Mumbai – 400032

The Shri. Sandip M. Khedekar Village Guruoli, Tal.Purandar, Dist. Pune has submitted Proposal for diversion of 0.016 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground pipeline for agriculture purpose in Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr. No	Item work purpose	District	Taluka	Name of Village	Survey/ Gut No.	Length & Width	Area (in ha)	Legal Status
1	laying of underground pipeline for agriculture purpose in Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra	Pune	Purandar	Guroli	1191	160 x 1 M	0.016	Reserved Forest
Total Forest Land (in ha.)							0.016	

2.00 The proposal has been initiated by the Shri. Sandip M. Khedekar Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra for seeking approval under Forest (Conservation) Act, 1980 for laying of underground pipeline for agricultural water supply in Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra. The project can be demarcated on Survey of India Top sheet No. 47 J/3 and the forest area lies within Latitude N-18°24'08'' and E-74°05.12''. The total non forest involved in the project is 0.0800 ha. The site

inspection report of the Sub Divisional Officer, Bhore Forest Division, Bhore is enclosed on page no.38 to 41.

3.0 Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed in two copies.

- 3.1 Prescribed form dated 10/01/2003.
- 3.2 Certificate regarding minimum demand of forest land for the project,
- 3.3 Area Statement,
- 3.4 Index map in suitable scale,

4.0 The Sub Divisional Officer, Bhore Forest Division, Bhore has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is minimum.
- 4.2 the area belongs to Eco-value class-III and Density of forest is 0.01 (Open Forest)
- 4.3 there is no cutting and felling of trees is involved in the Project.
- 4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.6 there is no violation of Forest (Conservation) Act 1980.
- 4.7 the proposed area for the project is not within 10 km from the boundary Sanctuary and National Park.
- 4.8 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.
- 4.9 and proposed Compensatory Afforestation over 0.50 ha. degraded Forest land in Gut No.1191 at Village Guroli, Tal. Purandar, Dist.Pune and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 4.10 The Sub Divisional Officer, Bhore Forest Division, Bhore has submitted the site specific justification to this office are as under:-
"The proposal recommended for acceptance as the proposed piece of land is open & barest minimum. There is no other alternative land available and the area is to be diverted is not sensitive and will not have any adverse effect on the ecology of the area. In the present case, the alignment has been decided only after considering such site factors. Hence the proposal is categories as "Site Specific"

5.0 **The User Agency has submitted an undertaking that:-**

5.1 to defray the cost of compensatory afforestation.

5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.

5.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

‘Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval’.

Hence, the user agency has given an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before formal approval.

5.4 Copy of the permission of the Irrigation Department accorded by the Sub Divisional, Water Conservation Officer, Purandar letter No. 1703, dated 26/07/2021

5.5 Copy of the alternative map is enclosed on page no.18

5.6 The cross section map is enclosed herewith on page no.72/3 to 72/3

5.7 The Sub Divisional Officer, Bhore Forest Division, Bhore has submitted alternative examined for linear project details are as under:- (P/61)

Alignment	Village- Wadaki, Gut No.of Reserved Forest	Length & Width (in Mtr)	Area (in ha.)	Remarks
Alignment No.1	Village Guroli Tal. Purader Dist. Pune Gut No.1191	160 m x 1 m = 160 Sq.M	0.016	This alignment is along with the existing forest boundary on one side of the forest area easily approachable form the Private land. There are some flat areas which are suitable for the proposed pipeline. So it is suitable for the project.

				However, this alignment selected and proposed for project.
Alignment No.2	Village Guroli Tal. Purader Dist. Pune Gut No.1191	160 m x 1 m = 160 Sq.n	0.016	This alignment is along with the existing forest boundary on one side of the forest area. There are no suitable flat areas for the proposed pipeline and main thing it is not easily visible. However, this alignment is rejected for proposed project
Alignment No.3	Village Guroli Tal. Purader Dist. Pune Gut No.1191	180 m x 1 m = 180 Sq.M	0.018	This alignment is along with the existing forest boundary on one side of the forest area but more area through the forest area and hence the requirement of forest land increases. However, this alignment is rejected for proposed project

Three alternatives have been examined in detail and have to come to conclusion that the alternative No. 1 (having 0.16 ha) is most suitable for forestry point of view, i.e. minimum area involved and there is no cutting/felling of trees.

6.00 The Sub Divisional Officer, Bhore Forest Division, Bhore and Conservator of Forest (T), Pune have recommended the proposal for diversion of 0.016 ha. of Reserved forest land.

7.00 **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**

7.1 The legal status of the forest land required will remain unchanged.

7.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

7.3 **Compensatory Afforestation :-**

a) Compensatory afforestation shall be taken up by the Forest Department over 0.50 ha. degraded Forest land in Gut No.1191 at Village Guroli, Tal. Purandar, Dist.Pune at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

b) The non forest land which has been transferred and mutated in favour of the State Forest Department.

- 7.4 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 project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- 7.5 NPV:-
- a) The State Government shall charge the Net Present Value (NPV) for the 0.016 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 7.6 User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 7.7 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>)
- 7.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 7.9 The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.
- 7.10 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.11 No labour camp shall be established on the forest land.
- 7.12 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.

- 7.13 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.
- 7.14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.15 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 7.16 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 7.17 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.
- 7.18 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.
- 7.19 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

8.00 It is therefore, requested that Government of India may kindly be moved for approving the proposal for diversion of 0.016 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground pipeline for agriculture purpose in Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

(Naresh Zurmure)
Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy to the Chief Conservator of Forests (Territorial) Pune for information.
Copy to the Sub-Divisional Officer, Bhore Forest Division, Bhore for information.
Copy to the Shri. Sandip M. Khedekar Village Guruoli, Tal.Purandar, Dist. Pune for information

PART -IV

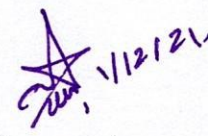
**(To be filled by Nodal Officer or Principal Chief Conservator of Forests
(Head of Forest Force))**

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

Sub.- Proposal for diversion of 0.016 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground pipeline for agriculture purpose in Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra (FP/MH/Pipeline/81813/2020). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Taluka	Name of Village	Survey/ Gut No.	Length & Width	Area (in ha)	Legal Status
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Total Forest Land (in ha.)							0.016	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.


(Naresh Zurmure)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: /12 /2021

Place: Nagpur

**Proposal for diversion of 0.016 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground pipeline for agriculture purpose in Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra.
(FP/MH/Pipeline/81813/2020).**

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

- 1) The proposal is for diversion of 0.016 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground pipeline for agriculture purpose in Village Guruoli, Tal.Purandar, Dist. Pune in the State of Maharashtra. (FP/MH/Pipeline/81813/2020).
- 2) The details of the forest land proposed for diversion are as under:-

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- 4.6 there is no violation of Forest (Conservation) Act 1980.
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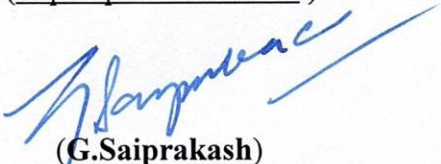
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