

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

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,
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No. : Desk-17/Nodal/Aurangabad/ID-13779/781 /2022-23

Nagpur – 440 001, Dated 30/06/2022

Sub:- Proposal for diversion of 18.18 ha. of forest land for AU- 108-Two lanning of District Boundary to Chuncha-Manatha-Barad-Mudkhed Road with paved shoulder in Nanded District under HAM SH-261 of Km 000/000 to Km.48/700 and AU-109 Two Lanning of Mudkhed-Gadga-Khandgaon-Mukhed-Savargaon (BK)-Jamb to district Border Road with paved shoulder in Nanded-District SH-261 Km-48/700 to 97/951 in the State of Maharashtra.

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

Sir,

The project has been initiated by the Executive Engineer, P.W.Division Nanded, Dist. Nanded for diversion of 18.18 ha. forest land AU-108-Two lanning of District Boundary to Chuncha-Manatha-Barad-Mudkhed Road with paved shoulder in Nanded District under HAM SH-261 of Km 000/000 to Km.48/700 and AU-109 Two Lanning of Mudkhed-Gadga-Khandgaon-Mukhed-Savargaon (BK)-Jamb to district Border Road with paved shoulder in Nanded-District SH-261 Km-48/700 to 97/951 in the State of Maharashtra. The detailed area statement of forest land is shown as under:- (P-5)

Area Statement for AU-108 District Boundary to Chuncha-Manatha-Barad-Mudkhed Km.0/00 to 48/700 and AU-109-Mudkhed –Gadga-Khandgaon-Mukhed-Savargaon (BK.) Jamb to District Boarder SH-261 KM.48/700 to 97/951											
Sr. No	Chainage		Village Name	Forest Compt No	Survey No	Gut No.	Forest Area Required				
							Length (Mtr)	Width (Mtr)	Area (Sq. Mtr)	Area (In Ha)	Lagal Status
	From	To									
1	5+500	6+460	Manatha	471	162	323	960	30	28800	2.88	Reserve Forest
2	1+800	3+600	Sawargaon	480A, 462	152	406	1800	30	54000	5.40	Reserve Forest
3	3+600	5+300	Nimgaon	480 B, 480	30	30	1700	30	51000	5.10	Reserve Forest
4	41+900	42+300	Dongargaon	425 B/1	19 Pt	57	400	30	12000	1.20	Reserve Forest
5	58+000	58+300	Pimpalgaon Tanda	391 B	76/1 Pt	117	300	30	9000	0.90	Reserve Forest
6	59+000	59+900		390 B	117 /1	128	900	30	27000	2.70	Reserve Forest
Total							6060	30	181800	18.18	

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

2.1 Prescribed form dated 10/01/2003.

2.2 Certificate regarding minimum demand of forest land for the project.

2.3 Area Statement

2.4 Index map in suitable scale.

3) The total non-forest area involved in the project is 262.47 ha. (P-6 to 9). The site inspection report of the Deputy Conservator of Forests, Nanded Forest Division, Nanded is enclosed in the proposal file on page no.57 to 60.

4) The User Agency has given justification for locating the project in forest land that AU-108- Two Lanning of District Boundary to Chuncha-Manatha-Barad-Mudkhed Road with paved shoulder in Nanded District under HAM SH-261 of Km 000/000 to Km.48/700 and AU-109 Two Lanning of Mudkhed-Gadga-Khandgaon-Mukhed-Savargaon (BK)-Jamb to district Border Road with paved shoulder in Nanded-District SH-261 Km-48/700 to 97/951. The Government of Maharashtra has taken up a massive programme of up-gradation and development of existing two-lane State Highways. This stretch passes through Nanded district. The Nanded district is foremost players in tourism and aided industry along with agricultural. It is a need of an hour for better transportation facilities to cope up with future demands. This state highway connects to other State highways. Considering all the major factors, the Government has taken a policy decision of developing this state highway for better and safe transportation. This entire stretch starting from District Boundary to Chuncha CH-0/00 and ends of Jamb to District Border CH-97/Provides connectivity to various important religious place, important places of trades, other national and state highways. This project shall help in achieving the following objectives amongst others. 1) Easy and fast transfer between modes. 2) Cost saving over development of separate corridors for each transportation & utility supply modes. 3) Reduction of Pollution. 4) High speed of movement, faster connectivity and subsequent speedy disposal of vehicles. No alternatives non forest is required to be studied as the proposal is for up-gradation and development of existing two lane State Highways except with small curve improvement which are unavoidable. (P-4)

5) The Deputy Conservator of Forests, Nanded Forest Division, Nanded and the Chief Conservator of Forests (T), Aurangabad have recommended the proposal for diversion of 18.18 ha. of forest land. (P-165 to 166 and 172)

6) The Deputy Conservator of Forests, Nanded Forest Division, Nanded has certified that:-

6.1) No suitable alternate non-forest land is available and demand for the forest land is minimum. (P-31)

6.2) Provisions of Forest (Conservation) Act, 1980 and guidelines under its have been violated in the proposed project. The detailed Violation report is enclosed in the file on page no.32 to 36.

6.3) The proposed area belongs to Eco value class-III, Dense Forest having density below 0.04. (P-57)

- 6.4) There are 4688 trees cutting and felling involved in the project. (P-51)

Girth wise details is as under:- (P-179-180)

15-30	31-45	46-60	61-75	76-90	91-105	Total
2243	1328	628	316	102	71	4688

- 6.5) The Painganga Wildlife Sanctuary is at an approximate distance of 45.00 km. from area proposed for diversion. (P-52)
- 6.6) Proposed area is not included in National Park, Wild Life Sanctuary or Nature Reserve. (P-49)
- 6.7) Proposed Compensatory Afforestation over 18.18 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70.This area is suitable for afforestation and management purpose and also it is free from encroachment.(P-45)
- 6.8) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (P-48)
- 6.9) The project is extremely site-specific and no alternative non-forest land can be used for the propose (P-53)
- 6.10) CA Scheme for Ten years. (P-62 to 70)
- 7) The User Agency has submitted the following undertaking/Certificate/documents:-
- 7.1) Agreed to bear the cost of exploitation of felling of trees and their allied works in forest land. (P-97)
- 7.2) Agreed to bear the cost of Compensatory afforestation. (P-98)
- 7.3) Agreed to bear the cost of Net Present Value. (P-101)
- 7.4) Whatever Penalties will be imposed regarding the violation of the Forest (Conservation) Act, 1980 User Agency is ready to pay the same. (P-99-100)
- 7.5) Copy of Administrative approval issued by Government of Maharashtra, Department of Public Works, vide Government Resolution No.PLN-2016/CR(2447)/NI-3, dt.30/11/2016 and 17/03/2017 (P-113 to 120)
- 7.6) Copy of Technical approval issued by the Chief Engineer, PWD, Aurangabad vide letter No.MUAO/2017-18/KA-9 , dt.03/11/2017 . (P-121 to 123)
- 7.7) User Agency has not submitted the FRA-2006 Certificate, However, submitted the undertaking stating that required certificate will be submitted to Forest Department after Collector Nanded will be submitted after stage-I Compliance. (P-154)
- 7.8) The KML file of the proposed diverted area and C.A area is placed in the file at the top.
- 8) 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:-
- 8.1) The legal status of the forest land required will remain unchanged.

- 8.2) Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 8.3) Compensatory afforestation shall be taken up by the Forest Department over 18.18 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70 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.
- 8.4) 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.
- 8.5) The State Government shall charge the Net Present Value (NPV) for the 8.4771 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022, 19/01/2022 and 22/03/2022.
- 8.6) 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.
- 8.7) For violation of the Forest (Conservation) Act, 1980 the User Agency shall pay 5 times Penal NPV as per para 1.21 of Handbook of guidelines issued vide Central Government letter dated 28/03/2019.
- 8.8) 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.
- 8.9) 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/>)
- 8.10) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 8.11) User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 8.12) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 8.13) No labour camp shall be established on the forest land.
- 8.14) 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.
- 8.15) 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.
- 8.16) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 8.17) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 8.18) The forest land shall not be used for any purpose other than that specified in the project proposal.

- 8.19) 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.
- 8.20) 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.
- 8.21) 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.
- 8.22) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

9.0 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the diversion of 18.18 ha. of forest land for AU- 108-Two lanning of District Boundary to Chuncha-Manatha-Barad-Mudkhed Road with paved shoulder in Nanded District under HAM SH-261 of Km 000/000 to Km.48/700 and AU-109 Two Lanning of Mudkhed-Gadga-Khandgaon-Mukhed-Savargaon (BK)-Jamb to district Border Road with paved shoulder in Nanded-District SH-261 Km-48/700 to 97/951 in the State of Maharashtra. under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- (Proposal in 2 copies)

Yours sincerely



(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests
& Nodal Officer**

Copy forwarded for information to:

1. The Chief Conservator of Forests (T.), Aurangabad.
2. The Deputy Conservator of Forests, Nanded Forest Division, Nanded.
3. The Deputy Executive Engineer P.W.D.Division, Nanded Behind Government Rest House Sneh Nagar, Nanded 432602.

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 18.18 ha. of forest land for AU- 108-Two lanning of District Boundary to Chuncha-Manatha-Barad-Mudkhed Road with paved shoulder in Nanded District under HAM SH-261 of Km 000/000 to Km.48/700 and AU-109 Two Lanning of Mudkhed-Gadga-Khandgaon- Mukhed-Savargaon (BK)-Jamb to district Border Road with paved shoulder in Nanded-District SH-261 Km-48/700 to 97/951 in the State of Maharashtra.

Area Statement for AU-108 District Boundary to Chuncha-Manatha-Barad-Mudkhed Km.0/00 to 48/700 and AU-109-Mudkhed –Gadga-Khandgaon-Mukhed-Savargaon (BK.) Jamb to District Boarder SH-261 KM.48/700 to 97/951											
Sr. No	Chainage		Village Name	Forest Compt No	Survey No	Gut No.	Forest Area Required				
	From	To					Length (Mtr)	Width (Mtr)	Area (Sq. Mtr)	Area (In Ha)	Lagal Status
1	5+500	6+460	Manatha	471	162	323	960	30	28800	2.88	Reserve Forest
2	1+800	3+600	Sawargaon	480A, 462	152	406	1800	30	54000	5.40	Reserve Forest
3	3+600	5+300	Nimgaon	480 B, 480	30	30	1700	30	51000	5.10	Reserve Forest
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6	59+000	59+900		390 B	117 /1.	128	900	30	27000	2.70	Reserve Forest
Total							6060	30	181800	18.18	

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: 30/06/2022

Place: Nagpur

Proposal for diversion of 18.18 ha. of forest land for AU-108-Two lanning of District Boundary to Chuncha-Manatha-Barad-Mudkhed Road with paved shoulder in Nanded District under HAM SH-261 of Km 000/000 to Km.48/700 and AU-109 Two Lanning of Mudkhed-Gadga-Khandgaon-Mukhed-Savargaon (BK)-Jamb to district Border Road with paved shoulder in Nanded-District SH-261 Km-48/700 to 97/951 in the State of Maharashtra.

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 project has been initiated by the Executive Engineer, P.W.Division Nanded, Dist. Nanded for diversion of 18.18 ha. forest land AU-108-Two lanning of District Boundary to Chuncha-Manatha-Barad-Mudkhed Road with paved shoulder in Nanded District under HAM SH-261 of Km 000/000 to Km.48/700 and AU-109 Two Lanning of Mudkhed-Gadga-Khandgaon-Mukhed-Savargaon (BK)-Jamb to district Border Road with paved shoulder in Nanded-District SH-261 Km-48/700 to 97/951 in the State of Maharashtra.
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- 8) **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:-**
- 8.1) The legal status of the forest land required will remain unchanged.
- 8.2) Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 8.3) Compensatory afforestation shall be taken up by the Forest Department over 18.18 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70 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.
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- maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
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 - 8.12) The layout plan of the proposal shall not be changed without prior approval of Central Government.
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 - 8.16) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 - 8.17) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
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- 8.20) 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.
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- 8.22) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)



(Dr.Y.L.P Rao)

**Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur**