

**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,
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.**

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

**No. : Desk-17/Nodal/Aurangabad/ID-13165/787 /2022-23
Nagpur – 440 001, Dated 30 /06/2022**

To,

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

Sub:- Proposal for diversion of 13.20 ha. forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed Eklara-Khanapur-Narangal-Sagroli-Biloli-Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (Msh-16 from Loha Km. 297/400 to Khanapur Phatakm 371/900 of Nanded.

Sir,

- 1) The project has been initiated by the Executive Engineer, P.W.Division Nanded, Dist. Nanded for diversion of Proposal for diversion of 13.20 ha. forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed Eklara-Khanapur-Narangal-Sagroli-Biloli-Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (Msh-16 from Loha Km. 297/400 to Khanapur Phatakm 371/900 of Nanded District in the State of Maharashtra.The detailed area statement of forest land is shown as under:- (P-207)

Area Statement for MDR-83-Part of Nila Junction to Khujda Junction Km. 0/00 to 34/750										
Sr. No	Purpose up gradation /Existing Chaingage	Chainage		Village Name	Forest Compt. No	Survey No/ Gut No./ Comp. No	Forest Area Required			
		From	To				Length (Mtr)	Width (Mtr)	Area (Sq. Mtr)	Area (In Ha)
1	26+300 to 28+500	26+300	28+500 (323+ 700)	Ambulga	548-C	179				
						243	2200. 00	30.00	66000. 00	6.6 R.F.
2	28+960 to 29+560	28+960	29+560 (326+ 360)	Savar gaon niphani	548-B	82				
						475	600. 00	30.00	18000 .00	1.8 R.F
3	38+100 to 39+700	38+100	39+700 (335+ 500)	Kotgyal	547-B					
						7	1600. 00	30.00	48000 .00	4.8 R.F
Total									13200 0.00	13.20

- 2) The total non-forest area involved in the project is 210.3 ha. (P-6 to 7). The site inspection report of the Deputy Conservator of Forests, Nanded Forest Division, Nanded is enclosed in the proposal file on page no.223 to 226.
- 3) The User Agency has given justification for locating the project in forest land that the Government of Maharashtra wants to take up capacity augmentation and up-gradation of the existing State Highways in the State of Maharashtra to single lanes standards with enhanced safety standards to road users. The work needs to be taken up for construction corridor concept. In order to provide corridor includes strengthening (in addition reaches) standard would be essential. The Public Works Department of Maharashtra State has been entrusted with the assignment of Improvement Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed Eklara-Khanapur-Narangal-Sagroli-Biloli-Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (Msh-16 from Loha Km. 297/400 to Khanapur Phatak Km 371/900 of Nanded District. Which passes through forest area of Kandhar and Mukhed Tq. Nanded Dist. So, the study was carried out for alternate route going to Ambulga, Savargaon niphani Kotgyal for bypassing this forest area. After study and analysis, it is recommended the correct route of major state highway MSH-16 & SH-68 Ambulga, Savargaon niphani Kotgyal is the best and shortest option. There is no alternate route available. So existing route of major State highway MSH-16 & SH-268 is the route connecting Taluka and Market Places i.e. Kandhar Mukhed and this is also useful for connecting route. Hence re-alignment is not possible in between these chainages ch Km 297/400 to 371/900 Km. Since the entire Project is upgradation of existing ROW with some improvement in curve the land acquisition remain bare minimum. However, since some part of road already passes through forest patches/compartments as revealed from forest map which are unavoidable as site specific and kept minimum. Thus minimum forest requirement is justified. (P-3)
- 4) The Deputy Conservator of Forests, Nanded Forest Division, Nanded and the Chief Conservator of Forests (T), Aurangabad have recommended the proposal for diversion of 13.20 ha. of forest land. (P-223 to 225 and 348)
- 5) The Deputy Conservator of Forests, Nanded Forest Division, Nanded has certified that:-
 - 5.1) No suitable alternate non-forest land is available and demand for the forest land is minimum. (P-207)
 - 5.2) 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.208 to 212
 - 5.3) Proposed Compensatory Afforestation over 13.20 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-213)
 - 5.4) 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. (P-215)

5.5) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (P-216)

5.6) Proposed area is not included in National Park, Wild Life Sanctuary or Nature Reserve. (P-217)

5.7) There are no cutting and felling trees involved in the project. (P-219)

5.8) The Painganga Wildlife Sanctuary is at an approximate distance of 107.83 km. from area proposed for diversion. (P-220)

5.9) The proposed area belongs to Eco value class-III, Dense Forest having density below 0.04. (P-223)

5.10) CA Scheme for Ten years. (P-228 to 233)

6) The User Agency has submitted the following undertaking/Certificate/documents:-

- 6.1) Agreed to bear the cost of Compensatory afforestation. (P-253)
- 6.2) Agreed to bear the cost of Net Present Value. (P-255)
- 6.3) Whatever Penalties will be imposed regarding the violation of the Forest (Conservation) Act, 1980 User Agency is ready to pay the same. (P-253 to 254)
- 6.4) Copy of Administrative approval issued by Government of Maharashtra, Department of Public Works, vide Government Resolution No.PLN-2016/CR(2382)/NI-3, dt.07/03/2017. (P-263)
- 6.5) Copy of Technical approval issued by the Chief Engineer, PWD, Aurangabad vide letter No.MUAO/2017-18/KA-9 , dt.11/10/2017 . (P-264 to 268)
- 6.6) Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guideline Regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act,2006. As per these guideline. (Page No.283)
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-principal 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 Dewlle (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in- principle approval.
- 6.7) The KML file of the proposed diverted area and C.A area is placed in the file at the top.

7) 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.

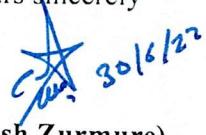
- 7.3 Compensatory afforestation shall be taken up by the Forest Department over 18.18 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70 at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- 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 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.
- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 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/>)
- 7.10 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 7.11 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act,1986, if applicable.
- 7.12 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.13 No labour camp shall be established on the forest land.
- 7.14 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.
- 7.15 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.
- 7.16 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.17 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.
- 7.18 The forest land shall not be used for any purpose other than that specified in the project proposal.

- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

8.0 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the Proposal for diversion of 13.20 ha. forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed Eklara-Khanapur-Narangal-Sagroli-Biloli- Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (Msh-16 from Loha Km. 297/400 to Khanapur Phatakm 371/900 of Nanded. 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.: diversion of Proposal for diversion of 13.20 ha. forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed Eklara-Khanapur-Narangal-Sagroli-Biloli- Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (Msh-16 from Loha Km. 297/400 to Khanapur Phatakm 371/900 of Nanded District in the State of Maharashtra.

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Total									13200 0.00	13.20	

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

Naresh Zurmure

**(Naresh Zurmure)
Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: /06/2022

Place: Nagpur

Proposal for diversion of 13.20 ha. forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed Eklara-Khanapur-Narangal-Sagroli-Biloli- Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (Msh-16 from Loha Km. 297/400 to Khanapur Phatakm 371/900 of Nanded District 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 Proposal for diversion of 13.20 ha. forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed Eklara-Khanapur-Narangal-Sagroli-Biloli- Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (Msh-16 from Loha Km. 297/400 to Khanapur Phatakm 371/900 of Nanded District in the State of Maharashtra.
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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 Dewlle (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in- principle approval.

- 7.7) 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.
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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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- 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.
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- 8.10) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
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- 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.
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- 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/>)



(Dr. Y.L.P. Rao)

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