

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:- Ex-post facto approval for diversion of 0.83 ha. forest land for laying water intake pipeline for BGPPL, at Bhigwan, Tal.Indapur, Dist.Pune in the State of Maharashtra. (FP/MH/Pipeline/48180/2020)

No.: Desk-17/Nodal/Pune/ID-13074 (25)/2943/2022-23
Nagpur – 440 001, Dated :- 02/02/2023

To,
The Principal Secretary (Forests),
Revenue and Forest Department,
Mantralaya, Mumbai -32

The General Manager-HR & Administration, BGPPL, Unit Bhigwan has submitted Ex-post facto approval for diversion of 0.83 ha. forest land for laying water intake pipeline for BGPPL, at Bhigwan, Tal.Indapur, Dist.Pune in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr. No	Item work purpose	Name of Village	Taluka	District	Survey No.	Gut No.	Length (M) & Width (M)	Area (in ha.)	Legal Status
1	Ex-post facto approval for diversion of 0.83 ha.	Bandgarwadi (earlier Poundhwadi)	Indapur	Pune	30	15	1170.66	0.0481	Reserved Forest
					31	16	x	0.0837	
					33	17	1.5	0.0137	
					33	17		0.0300	
2	forest land for laying water intake pipeline for BGPPL at Bhigwan, Tal.Indapur Dist.Pune in the State of Maharashtra	Kumbhargaoon			49	129	4362.32	0.0748	
					50	128	x	0.0441	
					51	127	1.5	0.0240	
					51	127		0.0036	
					52	126		0.0418	
					53	125		0.0486	
					54	124		0.0400	
					55	123		0.0054	
					56	122		0.0356	
					20	120		0.1739	
					122	55		0.1625	
Total Forest Land (In ha.)								0.8299	
Say as								0.83	

2.0 The BGPPL required water for running its industrial unit Bhigwan and also for satisfying need of drinking water of about 1500-2000 workers engaged by the Company. The work on project has been carried out in 1996-97 by the User Agency by obtaining all the necessary permissions from concerned authorities, but without obtaining FCA clearance. Out of the total forest length of 5553 m. of the pipeline 2444.14m. is passing through a forest land, which was in the administrative control of Revenue Department (Govt. of Maharashtra) to various sections of people. The fact of existence of the forest land under alignment of pipeline was surfaced in 2019 when a fresh survey of land was carried out by the Forest Department. The pipeline is still in place. After that filed POR/FIR No.05/2019-20, dated 7/6/2019 was registered against the User Agency. A charge sheet

/complaint was filed in the court of JMFC Indapur bearing RCC No.361/2020. The accused Nos. 1 to 9 were discharged on the basis of their Application. A Revision against the decision of the court of JMFC Indapur order has been proposed at Hon'ble Addl. District and Session Court, Baramati. Another POR/FIR No.E-1/2021-22, dated 27/4/2021 is filed against the User Agency regarding the remaining length of the pipeline. The enquiry in that respect is under progress.

3.00 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) Copy of the Administrative approval accorded by the Govt. of Maharashtra vide letter No.1293/2314/457/93, dated 10/01/1995.

5) Copy of the Technical approval accorded by the S.E.& Administration, Command Area Development Authority vide letter No.CADA/PB.3/666 dated 01/02/1995.

6) The total non forest involved in project is 0.29 ha.

7) The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed on page No.28 to 33.

8) No alternate alignment is possible and the forest land required is barest minimum.

9) The area belongs to Eco-value class-III having density is 0.1 (Tropical Dry Deciduous Forest).

10) There is no tree felling involved in the project.

11) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

12) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

13) There is violation of Forest (Conservation) Act, 1980. The work on project has been carried out in area 0.83 ha. in 1996-97 by the User Agency by obtaining all the necessary permissions from concerned authorities, but without obtaining FCA clearance. The detail violation report is enclosed on 44/1 to 44/3

14) Proposed project is beyond 10 Kms of boundary of Protected Area (Wildlife Sanctuary/National Park).

15) 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.

16) Proposed Compensatory Afforestation over 1.00 ha. degraded forest land in Gut No.120 at Village Kumbhargaoon, Tal. Indapur, Dist. Pune and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

- 17) The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 18) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 19) The User Agency has submitted Cross Section Plan is enclosed herewith on page No.85/12 to 85/3.
- 20) The User Agency has obtained environmental clearance accorded by the Govt. of India, MoEF vide letter No.F.No.J-11011/129/2008-IA-II(I) dated 30/10/2008.
- 21) The User Agency has submitted 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 final approval as per Government of India vide letter No.11-43/2013-FC, dt. 3/12/2018.
- 22) The Deputy Conservator of Forests, Pune Forest Division, Pune and Chief Conservator of Forests, Pune have recommended the proposal for diversion of 0.83 ha. of Reserved forest land.

2.00 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: –

- 2.1 The legal status of the forest land required will remain unchanged.
- 2.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

2.2 Compensatory Afforestation :-

- a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded forest land in Gut No.120 at Village Kumbhargaon, Tal. Indapur, 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.
- 2.3 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.

2.4 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 0.83 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.
- 2.5 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.
- 2.6 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/>)
- 2.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 2.8 The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.
- 2.9 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 2.10 No labour camp shall be established on the forest land.
- 2.11 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.
- 2.12 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.
- 2.13 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.14 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 2.15 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.

- 2.16 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.
- 2.17 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.
- 3.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the Ex-post facto approval for diversion of 0.83 ha. forest land for laying water intake pipeline for BGPPL, at Bhigwan, Tal.Indapur, 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 Forest (T), Pune for information.

Copy to the Deputy Conservator of Forests, Pune Forest Division, Pune for formation.

Copy to the The General Manager-HR & Administration, BGPPL, Unit Bhigwan 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.- Ex-post facto approval for diversion of 0.83 ha. forest land for laying water intake pipeline for BGPPL, at Bhigwan, Tal.Indapur, Dist.Pune in the State of Maharashtra. (FP/MH/Pipeline/48180/2020). The details of land proposed for diversion is as under-

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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: 02/02/2023

Place: Nagpur

**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.**

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- 4) Copy of the Administrative approval accorded by the Govt. of Maharashtra vide letter No.1293/2314/457/93, dated 10/01/1995.
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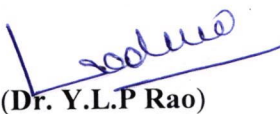
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- 2.17 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 2.18 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)


(Dr. Y.L.P Rao)

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