

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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No. Desk-17/Nodal/Thane/ID-13059 (76) 62247/21-2022
Nagpur - 440 001, Date:- 28/01/2022

To,

The Principal Secretary (Forests),
Revenue and Forests Department,
Mantralaya, Mumbai

Sub:- Proposal of diversion of 5.733 ha. Restored Private Forest land (Restored before 25/10/1980) for non Forest purpose i.e. Eco-Tourism Progress like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad in the State of Maharashtra (FP/MH/Others/149089/2021)

Ref:- The Chief Conservator of Forests (T), Thane letter No. Desk-10/FCA/CR-37/OW-484, dated 20/01/2022

Mr. Rahi Vaghani, Authorized Signatory & Project Authority applied on the behalf of Mr. Govind Jivrajbhai Vaghani at Village Kalote Mokashi, Taluka Khalapur, Dist. Raigad has submitted proposal of diversion of 5.733 ha. Restored Private Forest land (Restored before 25/10/1980) for non Forest purpose i.e. Eco-Tourism Progress like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad in the State of Maharashtra

2.0 The details of land proposed for diversion are as under:-

Sr. No	Item wise work proposed	Village	Gut No.	Survey No.	Length & Width (in Mtrs)	Area (in Sq.Mter)	Area (in ha)	Legal Status
1	Forest Huts/Tent	Kalote Mokashi	314/2(9)	19/7, 19/8, 21/2, 3/A, 26/3	7x7x83 Nos.	4067	0.4067	Restored Private Forest Land (Restored Before 25/10/1980)
2	Internal Pathway including underground Electric Line & Water Pipeline, Drainage Line Sewage Line, Along the Pathway			19/7, 19/8, 21/2, 3/A, 26/3	1577 x 1.8	2839	0.2839	

3	Open Space Landscaping Terrain/ Natural Tree Growth			19/7, 19/8, 21/2, 3/A, 26/3	Irregular Shape	50424	5.0424	
Total Area (in ha.)								5.733

3.0 The proposal has been initiated by Mr. Rahi Vaghani, Authorized Signatory & Project Authority applied on the behalf of Mr. Govind Jivrajbhai Vaghani at Village Kalote Mokashi, Taluka Khalapur, Dist. Raigad for use of Restored Private Forest land to non-forest purpose i.e., Eco-Tourism Progress like Forest Huts/ Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad in the State of Maharashtra.

3.1 The said area located in Konkan Region and forms the part of the Konkan belt. Forest Department, Government of Maharashtra as well as Ministry of Tourism, Government of India has the specific agenda to promote to promote Eco-Tourism in the country in a reasonable and sustainable manner and as per this mandate promotion of Eco Tourism assumes larger importance. Eco Tourism which is ecologically sustainable. The concept of ecological sustainability subsumes the environmental carrying capacity of a given area. The general principal of Eco-Tourism development should be compatible with the environment and socio-cultural characteristics of local community and it should be planned as a part of overall area development strategy guided by integrated land use plan avoiding intersect oral conflicts and ensuring sectoral integration associated with commensurate expansion of public services.

3.2 Keeping above view, with tension to putting up an Eco-Tourism Project we are creating a Village Theme Project called Monteria Village. Monteria Village is spread over 8.042 ha. As arrive in the village circle which is replica of a village in that small circle for guest to get an idea what they are about to experience in the village, where they will be given a small bag to collect all the things, they think they can make art from like a stone, leaf, broken stick from which at the end of the dry they can make an art take home as a remembrance. They will move ahed to see recycle garden, green igloo (Made of Creepers), Swimming pool, rain dance, natural stone waterfall, bamboo garden and in a small garden they can also play old games like gilli danda, lagories when bearing stepo, top spinning, tyre rolling, metal, two wheel car etc., which are forgotten today.

3.3 Therefore, the said land purchased the land admeasuring about 13.7750 ha. of Gut No.302,303,304,305,314/2 (Part),315,317,318,320,321 and 504 in the year 2007. Out of that the land admeasuring 5.733 ha. of Gut No. 314/2(Part), (Old Survey No.19/7,19/8, 21/2+3A,26/3) was restored to the original Khatedar by Deputy Collector (P.F). Kulaba, Alibag vide order No.78/MPF-ACT/Forest/Kalote Mokashi, dated 08/1978 which is prior to 25/10/1980 i.e. before enforcement of Forest (Conservation) Act, 1980 and in the other rights column of the 7/12 extract for the said land mentioned "Forest Area 5.733 hecto".

3.4 Hence to seek the prior approval Central Government for the diversion of Restored Private Forest land (Restored before 25/10/1980) from Gut No.314/2 (Part), (Old Survey No.19/7,19/8,21/2+3A,26/3) of Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad to extent of 5.733 ha. for non forest purpose i.e. Eco Tourism Project like Forest Huts, Internal Pathways, Eco Tourism Activities etc., The Project Authority has submitted the proposal under the provision of the Forest (Conservation) Act, 1980.

3.5 Backdrop of the project

- 1) The said land previously owned by Principal owner Shri. Lahu Bhiva Patil, Ramchandra Namdev Patil and Shri. Lakh Vinu Patil. After that the said land was restored by enquiry under section 22/A of Maharashtra Private Forest (acquisition) Act, 1975 by order of Deputy Collector (Private Forest), Kulaba, Alibag vide order No.78/MPF-ACT/Forest/Kalote Mokashi, dated--/08/1978, No.78/MPF-ACT/Forest/Kalote/Mokashi, dated--/8/1978 and No.78/MPF-ACT/Forest/Kalote Mokashi, dated-/08/1978 which is prior to 25/10/1980. The said restoration order is enclosed herewith and 7/12 Extract enclosed herewith.
- 2) After that Shri. Lahu Bhiva Patil, Ramchandra Namdev Patil and Shri. Tukaram Shankar Vichare and Shri. Promod Tukaram Vichare sold and transferred the said agriculture land by Registered sale deed dated ----- and also mutated in 7/12 extract copy is enclosed herewith.
- 3) After that by the registered sale deed No.6385/2007, dated 25/07/2007, the said land purchased Shri. Tkaram Shankar Vichare and Shri. Promod Tukaram Vichare sold, transferred and delivered the same lands in favour of Shri. Govind Jivrabhai Vaghani and name also mutated in 7/12 Extract copy enclosed herewith.

3.6 Proposal for seeking approval of the Central Government for restoration of lands, to which the provisions of the private forests had become applicable and in respect of which restoration

orders were to be passed after 25/10/1980 had been sent to the Central Government. GOI, vide letter No. 3-33/88-FC dated 07/07/1995 accorded approval to a total of 86261.00 Ha. of private lands to which the provisions of the private forests had become applicable and lying in the District of Thane which were restorable to the original Khatedars (Landholders). Therefore the project authority has submitted the proposal for permission of the Central Government under the Forest (Conservation) ,Act 1980 .

3.7 The site inspection report of the Deputy Conservator of Forests, Alibag Forest Division, Alibag is enclosed on page no.144 to 150.

4.0 Remarks of APCCF (Conservation) M.S.Nagpur regarding status of forest land involved:-

- 4.1 The said land 5.733 ha. bearing survey nos. 19/7, 19/8, 21/2, 3/A, 26/3, Gat no. 314/2 (9) village Kalote Mokashi, Ta. Khalapur, Dist Raigad has been proposed by the project proponent Mr. Rani Vaghani, authorized signatory and project authority has applied on behalf of Shri Govind Jivrajbhai Vaghani for use of restored private forest land to non-forest purpose (Construction of forest huts/tents, roads, garden, electric line, pipeline, sewage line, etc.)
- 4.2 This restored private forest land of survey nos. 19/7, 19/8, 21/2, 3/A, 26/3, Gat no. 314/2 (9) village Kalote Mokashi, Ta. Khalapur, Dist Raigad having total area of 5.733 ha. is restored and project is proposed in 5.733 ha. this land is at a distance of 14.50 km. from Karnala Bird Sanctuary and at a distance of 33.37 km. from Sudhagad Wildlife Sanctuary.
- 4.3 The original owners are Shri Lahu Bhiwa Patil, Ramchandra Namdeo Patil and Shri Lakhu Vinu Patil their land was acquired by forest dept. on dt 30.08.1975 under Maharashtra Private Forest Act 1975. As per provision u/s 22A, Dy. Collector, (Private Forest), Kulaba, Alibag vide order no. 78/MPF-ACT/Forest/Kalote Mokashi, dt --/8/1978, no. 78/MPF-ACT/Forest/Kalote Mokashi, dt --/8/1978, no. 78/MPF-ACT/Forest/Kalote Mokashi, dt --/8/1978, which is prior to 25.10.1980.
- 4.4 The above mentioned owners sold their land to Shri Tukaram Shankar Vichare, and Shri Pramod Tukaram Vichare after restoration and subsequently purchased by Shri Govind Jivrajbhai Vaghani and 1 other on dt 25.07.2007.
- 4.5 As the restoration is prior to dt. 25.10.1980 the sale/ purchase of the restored forest land is legal and valid. The Forest Conservation Act prohibits only the change in land use by the owner having control over the forest land and does not prohibit the change in ownership of Private Forest by way of sale/ purchase. The restoration order is attached in the file at page no 85, 87, 89 but it is without date. The authencity of these orders need to be verified by the DCF, Alibag from original orders.
- 4.6 As there is entry of "Forest" in the other rights column of 7/12 utara the status of the land is "Forest". It attracts the provisions of The Forest Conservation Act 1980. Any non-forest use of this land requires proposal under The Forest Conservation Act 1980 for permission of GOI.
- 4.7 As the land under proposal is restored prior to dt 25.10.1980 the said proposal may be send to GOI for the permission of non-forest use.
- 4.8 There is no violation of FCA 1980 as reported by CCF (T) Thane.

5.00 The Deputy Conservator of Forests, Alibag Forest Division, Alibag has certified that:-

- 5.1 no suitable alternate land is available and the forest land required is barest minimum
- 5.2 the area belongs to Eco-value class-I having density is below 0.2
- 5.3 there are no cutting and felling of trees involved in this project
- 5.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc
- 5.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance
- 5.6 there is no violation of Forest (Conservation) Act 1980
- 5.7 proposed project is not within 10 km from the National Park/ Sanctuary and the project will not have any adverse effect on the wildlife within National Park/Sactuary. The Karnala Bird Sanctuary is 14.02 Km. and Sudhagad Wildlife Sanctuary is 33.37 Km from the proposed project site
- 5.8 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.
- 5.9 the Deputy Conservator of Forests, Alibag Forest Division, Alibag has certified that as the land required is Restored Private Forest Land, owned by the Project Authority. However, the directives of Government of India in this regard will be complied
- 5.10 the copy of the restoration order is enclosed herewith on P/85 to 89.
- 5.11 The PCCF (HoFF) M.S.Nagpur office vide circular No. Desk-17/NC/II/C.R.117/2019-20/1099, dated 30/09/2019 has given direction regarding for submission of the restoration proposals under section 22A of the Maharashtra Private Forests (Acquisition) Act, 1975 which is as under:-

‘जे क्षेत्र दिनांक 25/10/1980 नंतर केंद्र शासनाच्या पूर्व परवानगी शिवाय महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या कलम 6 अंतर्गत मुक्त किंवा 22-अ अंतर्गत पुनःस्थापित झाले असेल, असे आदेश मुळत: नियमबाबाह्य असत्यामुळे विधीग्राह्य ठरत नाही’

6.00 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 final approval

7.00 The Deputy Conservator of Forests, Alibag Forest Division, Alibag and Chief Conservator of Forest (T), Thane have recommended the proposal for diversion of 5.733 ha. of Restored Private Forest land.

8.00 Ministry of Environment, Forests and Climate Change, New Delhi vide letter dt.31/7/2017 has issued advisory and circulated proceedings of meeting held under the Chairmanship of the Director General of Forest and Special Secretary on 20th June, 2017 at Maharashtra Sadan on issue of Ownership and status of the private forest and its land use and possibility of Sale and transfer of private forests related to Maharashtra and Goa wherein the decision has been taken on issue, is as under :-

- a) The ownership of the private forest land shall be as per the provisions of the private Forests (Acquisition) Act 1975 and decided by the state government. Those private forest lands, as defined in the Act, which stands acquired and vested with the State Government under section 3 of the private Forest (Acquisition) Act 1975 shall be treated as government forest.
- b) However those private forest lands which remained with the private ownership under the Private Forests (Acquisition) Act 1975 by virtue of application of section 6 and section 22A of the Private Forests (Acquisition) Act 1975 shall be treated as "private forest" for the purpose of Forest Conservation Act and any change in land use for non forestry use after 25/10/1980 shall be as per the provisions of the FC Act ,1980.
- c) The FC Act,1980 prohibits only the change in land use by the owner (Government or private) having control over the forest land. The FC Act does not prohibits the change in ownership of private forest by way of sale and transfer as per relevant provisions in the state so long there is no change in land use of forest. Any change in land use from forest to non forest after 25/10/1980 shall be as per the provisions of the Forest (Conservation), Act 1980.

9.00 In light of the decision taken regarding ownership and status of the private forest land its land use and possibility of sale and transfer of private forests and the recommendation of the Deputy Conservator of Forests, Alibag Forest Division, Alibag and Chief Conservator of Forests (T), Thane the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-

- 9.1 The legal status of the land required will remain unchanged.
- 9.2 Compensatory afforestation land required is Private Forest Land owned by the User Agency.

9.3 The user agency will defray the cost of Net Present Value of 5.733 Ha. of forest land as per the latest guideline of Government of India.

9.4 The user agency will defray the additional/revised cost of Net Present Value of forest land as per the latest Guidelines of Government of India

9.5 There are no cutting and felling of trees involved in this project.

9.6 The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area., including forest area and human settlements, adjoining the forest area being diverted for the project.

9.7 The forest land shall not be used for any purpose other than specified in the project

9.8 The user agency will obtain Environmental Clearance from competent authority, if required.

9.9 As the said land is to be used for Restaurant, Residence, Road Water Tank, Botanical Garden, Children Playing Park etc, needful permission including Sewage Treatment from competent authority is to be submitted prior to Stage-II or forest clearance

9.10 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

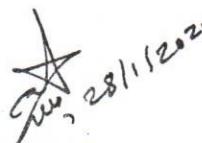
9.11 All necessary precaution should be taken to protect the forest area from fire.

9.12 All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.

9.13 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction

10.0 It is therefore requested that the Government of Maharashtra may kindly be moved to approve of 5.733 ha of Restored Private Forest land in favour of Mr. Rahi Vaghani, Authorized Signatory & Project Authority applied on the behalf of Mr. Govind Jivrajbhai Vaghani for construction Eco-Tourism Progress like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad in the State of Maharashtra.

Encl. :- As above


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

Copy to Chief Conservator of Forests (T), Thane for information.

Copy to Deputy Conservator of Forests, Alibag Forest Division, Alibag for information.

Copy to Mr. Rahi Vaghani, Authorized Signatory & Project Authority applied on the behalf of Mr. Govind Jivrajbhai Vaghani at Village Kalote Mokashi, Taluka Khalapur, Dist. Raigad for information.

Receiving

B. Laxmikant Verner
 B. D. D.

9699310407

PART -IV

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 of diversion of 5.733 ha. Restored Private Forest land (Restored before 25/10/1980) for non Forest purpose i.e. Eco-Tourism Progress like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad in the State of Maharashtra (FP/MH/Others/149089/2021). The details of the forest land proposed for diversion is as under :-

Sr. No	Item wise work proposed	Village	Gut No.	Survey No.	Length & Width (in Mtrs)	Area (in Sq.Mter)	Area (in ha)	Legal Status
1	Forest Huts/Tent	Kalote Mokashi	314/2(9)	19/7, 19/8, 21/2, 3/A, 26/3	7x7x83 Nos.	4067	0.4067	Restored Private Forest Land (Restored Before 25/10/1980)
2	Internal Pathway including underground Electric Line & Water Pipeline, Drainage Line Sewage Line, Along the Pathway			19/7, 19/8, 21/2, 3/A, 26/3	1577 x 1.8	2839	0.2839	
3	Open Space Landscaping Terrain/ Natural Tree Growth			19/7, 19/8, 21/2, 3/A, 26/3	Irregular Shape	50424	5.0424	
Total Area (in ha.)							5.733	

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



(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Date : 28/01/2022

Place : Nagpur

Proposal of diversion of 5.733 ha. Restored Private Forest land (Restored before 25/10/1980) for non Forest purpose i.e. Eco-Tourism Progress like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad in the State of Maharashtra
(FP/MH/Others/149089/2021)

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

The proposal is of diversion of 5.733 ha. Restored Private Forest land (Restored before 25/10/1980) for non Forest purpose i.e. Eco-Tourism Progress like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad in the State of Maharashtra
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Total Area (in ha.)							5.733	

3.0 The proposal has been initiated by Mr. Rani Vaghani, Authorized Signatory & Project Authority applied on the behalf of Mr. Govind Jivrajbhai Vaghani at Village Kalote Mokashi, Taluka Khalapur, Dist. Raigad for use of Restored Private Forest land to non-forest purpose i.e.,

v

Eco-Tourism Progress like Forest Huts/ Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad in the State of Maharashtra.

8/2

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- 4.1 The said land 5.733 ha. bearing survey nos. 19/7, 19/8, 21/2, 3/A, 26/3, Gat no. 314/2 (9) village Kalote Mokashi, Ta. Khalapur, Dist Raigad has been proposed by the project proponent Mr. Rani Vaghani, authorized signatory and project authority has applied on behalf of Shri Govind Jivrajbhai Vaghani for use of restored private forest land to non-forest purpose (Construction of forest huts/tents, roads, garden, electric line, pipeline, sewage line, etc.)
- 4.2 This restored private forest land of survey nos. 19/7, 19/8, 21/2, 3/A, 26/3, Gat no. 314/2 (9) village Kalote Mokashi, Ta. Khalapur, Dist Raigad having total area of 5.733 ha. is restored and project is proposed in 5.733 ha. this land is at a distance of 14.50 km. from Karnala Bird Sanctuary and at a distance of 33.37 km. from Sudhagad Wildlife Sanctuary.
- 4.3 The original owners are Shri Lahu Bhiwa Patil, Ramchandra Namdeo Patil and Shri Lakhu Vinu Patil their land was acquired by forest dept. on dt 30.08.1975 under Maharashtra Private Forest Act 1975. As per provision u/s 22A, Dy. Collector, (Private Forest), Kulaba, Alibag vide order no. 78/MPF-ACT/Forest/Kalote Mokashi, dt --/8/1978, no. 78/MPF-ACT/Forest/Kalote Mokashi, dt --/8/1978, no. 78/MPF-ACT/Forest/Kalote Mokashi, dt --/8/1978, which is prior to 25.10.1980.
- 4.4 The above mentioned owners sold their land to Shri Tukaram Shankar Vichare, and Shri Pramod Tukaram Vichare after restoration and subsequently purchased by Shri Govind Jivrajbhai Vaghani and 1 other on dt 25.07.2007.
- 4.5 As the restoration is prior to dt. 25.10.1980 the sale/ purchase of the restored forest land is legal and valid. The Forest Conservation Act prohibits only the change in land use by the owner having control over the forest land and does not prohibit the change in ownership of Private Forest by way of sale/ purchase. The restoration order is attached in the file at page no 85, 87, 89 but it is without date. The authenticity of these orders need to be verified by the DCF, Alibag from original orders.
- 4.6 As there is entry of "Forest" in the other rights column of 7/12 utara the status of the land is "Forest". It attracts the provisions of The Forest Conservation Act 1980. Any non-forest use of this land requires proposal under The Forest Conservation Act 1980 for permission of GOI.
- 4.7 As the land under proposal is restored prior to dt 25.10.1980 the said proposal may be send to GOI for the permission of non-forest use.
- 4.8 There is no violation of FCA 1980 as reported by CCF (T) Thane.

5.00 The Deputy Conservator of Forests, Alibag Forest Division, Alibag has certified that:-

- 5.1 no suitable alternate land is available and the forest land required is barest minimum (P/32).
- 5.2 the area belongs to Eco-value class-I having density is below 0.2 (P/44)
- 5.3 there are no cutting and felling of trees involved in this project (P/46).
- 5.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc (P/41).

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- 5.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance (P/40).
- 5.6 there is no violation of Forest (Conservation) Act 1980 (P/37).
- 5.7 proposed project is not within 10 km from the National Park/ Sanctuary and the project will not have any adverse effect on the wildlife within National Park/Sactuary. The Karnala Bird Sanctuary is 14.02 Km. and Sudhagad Wildlife Sanctuary is 33.37 Km from the proposed project site (P/42 & 47).
- 5.8 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 (P/53).
- 5.9 the Deputy Conservator of Forests, Alibag Forest Division, Alibag has certified that as the land required is Restored Private Forest Land, owned by the Project Authority. However, the directives of Government of India in this regard will be complied (P/38)
- 5.10 the copy of the restoration order is enclosed herewith on P/85 to 89.
- 5.11 The PCCF (HoFF) M.S.Nagpur office vide circular No. Desk-17/NC/II/C.R.117/2019-20/1099, dated 30/09/2019 has given direction regarding for submission of the restoration proposals under section 22A of the Maharashtra Private Forests (Acquisition) Act, 1975 which is as under:-

‘जे क्षेत्र दिनांक 25/10/1980 नंतर केंद्र शासनाच्या पूर्व परवानगी शिवाय महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या कलम 6 अंतर्गत मुक्त किंवा 22-अ अंतर्गत पुनःस्थापित झाले असेल, असे आदेश मुळत नियमबाबाह्य असल्यामुळे विधीग्राह्य ठरत नाही’

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

- 5.1 to defray the cost of compensatory afforestation (P/60).
- 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion (File P/43).
- 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 final approval (P/69).

7.00 The Deputy Conservator of Forests, Alibag Forest Division, Alibag and Chief Conservator of Forest (T), Thane have recommended the proposal for diversion of 5.733 ha. of Restored Private Forest land (P/11 to 13 & 15).

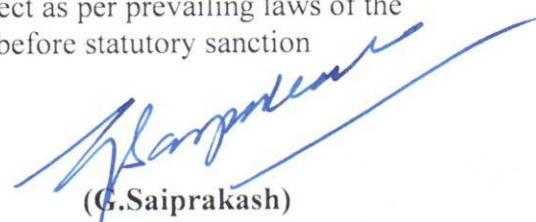
8.00 Ministry of Environment, Forests and Climate Change, New Delhi vide letter dt.31/7/2017 has issued advisory and circulated proceedings of meeting held under the Chairmanship of the Director General of Forest and Special Secretary on 20th June, 2017 at Maharashtra Sadan on issue of Ownership and status of the private forest and its land use and possibility of Sale and transfer of private forests related to Maharashtra and Goa wherein the decision has been taken on issue, is as under :-

- a) The ownership of the private forest land shall be as per the provisions of the private Forests (Acquisition) Act 1975 and decided by the state government. Those private forest lands, as defined in the Act, which stands acquired and vested with the State Government under section 3 of the private Forest (Acquisition) Act 1975 shall be treated as government forest.
- b) However those private forest lands which remained with the private ownership under the Private Forests (Acquisition) Act 1975 by virtue of application of section 6 and section 22A of the Private Forests (Acquisition) Act 1975 shall be treated as "private forest" for the purpose of Forest Conservation Act and any change in land use for non forestry use after 25/10/1980 shall be as per the provisions of the FC Act ,1980.
- c) The FC Act,1980 prohibits only the change in land use by the owner (Government or private) having control over the forest land. The FC Act does not prohibits the change in ownership of private forest by way of sale and transfer as per relevant provisions in the state so long there is no change in land use of forest. Any change in land use from forest to non forest after 25/10/1980 shall be as per the provisions of the Forest (Conservation), Act 1980.

9.00 In light of the decision taken regarding ownership and status of the private forest land its land use and possibility of sale and transfer of private forests and the recommendation of the Deputy Conservator of Forests, Alibag Forest Division, Alibag and Chief Conservator of Forests (T), Thane the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-

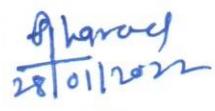
- 9.1 The legal status of the land required will remain unchanged.
- 9.2 Compensatory afforestation land required is Private Forest Land owned by the User Agency.
- 9.3 The user agency will defray the cost of Net Present Value of 5.733 Ha. of forest land as per the latest guideline of Government of India.

- 9.4 The user agency will defray the additional/revised cost of Net Present Value of forest land as per the latest Guidelines of Government of India
- 9.5 There are no cutting and felling of trees involved in this project.
- 9.6 The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area., including forest area and human settlements, adjoining the forest area being diverted for the project.
- 9.7 The forest land shall not be used for any purpose other than specified in the project
- 9.8 The user agency will obtain Environmental Clearance from competent authority, if required.
- 9.9 As the said land is to be used for Restaurant, Residence, Road Water Tank, Botanical Garden, Children Playing Park etc, needful permission including Sewage Treatment from competent authority is to be submitted prior to Stage-II or forest clearance
- 9.10 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 9.11 All necessary precaution should be taken to protect the forest area from fire.
- 9.12 All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- 9.13 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction



(G. Saiprakash)

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



28/01/2022

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