

**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

Sub:- Proposal for diversion of 0.105 ha. Reserved Forest forest land in Pune District for replacing underground water pipeline at Village Mergalwadi, in Daund Taluka Dist. Pune in the State of Maharashtra (FP/MH/OTHERS/138892/2021)

No. : Desk-17/Nodal/Pune /I.D-13100 (23)/2598/2021-22
Nagpur – 440 001, Dated -3/03/2022

To,

The Deputy Director General (Central)
Ministry of Environment, Forests, and Climate Change,
Regional Office, Ground Floor, East Wing,
New Secretariat Building,
Civil Lines, Nagpur-440001

Sir,

The Chief Officer, Daund Municipal Council, Daund has submitted proposal for diversion of 0.105 ha. Reserved Forest forest land in Pune District for replacing underground water pipeline at Village Mergalwadi, in Daund Taluka Dist. Pune in the State of Maharashtra. The details of the forest land proposed for diversion are as under:-

Sr. No	Item work purpose	Village Name	Taluka & Dist.	Survey/ Gut No.	Length (M) & Width (M)	Area (in ha)	Legal Status
1	Replacement of existing drinking water pipeline	Mergalwadi	Daund Dist. Pune	51	102 x 1	0.010	Reserved Forest
				54	606.5 x 1	0.060	
				29	347.8 x 1	0.035	
Total Forest Land (in ha.)						0.105	

The proposal for replacing underground water pipeline already been constructed prior 1980. The said facility handed over to Daund Municipal Council, Daund Dist. Pune for further maintenance. The said pipeline is broken at several places in this regard the water loss through the leakages is more than 50%. Consequently, the Daund city is not getting its target/ assured water supply. Hence the User Agency has come up with proposal for replacing the existing old pipeline.

2.0 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 one copy:-

- 2.1 Prescribed form dated 10/01/2003.
- 2.2 Area Statement,
- 2.3 Index map in suitable scale
- 2.4 Copy of Administrative approval accorded by Collector, Pune dated 18/04/2016
- 2.5 Copy of Technical approval accorded by Superintending Engineer, Maharashtra Jeevan Pradhikara Circle
- 2.6 The total non forest involved in project is 0.205 ha.

- 2.6 The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune
- 2.7 No alternate alignment is possible and the forest land required is barest minimum.
- 2.8 The area belongs to Eco-value class-III having density is 0.01 (Tropical Dry Deciduous Forest).
- 2.9 There is no tree felling involved in the project.
- 2.10 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 2.11 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 2.12 There is no violation of Forest (Conservation) Act 1980.
- 2.13 Proposed project is located at distance of 21.40 km from the Mayureshwar Wildlife Sanctuary
- 2.14 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.
- 2.15 Proposed Compensatory Afforestation over 1.00 ha. degraded Forest land in Gut No.31 at Village Gopalwadi, Tal. Daund, Dist. Pune and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and encumbrances.
- 2.16 The Deputy Conservator of Forests, Pune Forest Division, Pune has submitted proposal for acceptance or otherwise of the proposal with reasons i.e site specific justification as per as per Para 1.15 of the Handbook under FCA, 1980 issued by GOI.
"There is no alternative to the present alignment. The project is in the larger interest of the people of Daund City. The work is required to be carried out immediately to ensure continuity of drinking water supply to Daund City"
- 2.17 The User Agency has submitted an undertaking to defray the cost of Net Present Value
- 2.18 The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 2.19 The User Agency has submitted L section Plan is enclosed herewith on page no. 52 to 54
- 2.20 The User Agency has submitted Cross Section Plan is enclosed herewith on page no. 29.
- 2.21 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 in-principle approval as per Government of India vide letter No.11-43/2013-FC, dt.3/12/2018.
- 2.22 The Deputy Conservator of Forests, Pune Forest Division, Pune and Chief Conservator of Forest (T), Pune have recommended the proposal for diversion of 0.105 ha. of Reserved forest land.

3.00 The Principal Chief Conservator of Forests (Head of Forest Force) Maharashtra State, Nagpur has recommended the proposal for sanction on the following conditional grounds. The recommendation letter of Principal Chief Conservator of Forests (Head of Forest Force) , Maharashtra State, Nagpur, is enclosed on

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

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

3.3 Compensatory Afforestation :-

a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded Forest land in Gut No.31 at Village Gopalwadi, Tal. Daund, 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.

3.4 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.

3.5 NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 0.105 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 & File No.5-3/2011-FC(Vol-I), Dated 06/01/2022 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.

3.6 No trees shall be felled during implementation of the project. In case tree felling is required the 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.

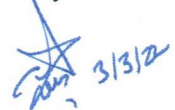
3.7 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>)

- 3.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 3.9 The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.
- 3.10 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 3.11 No labour camp shall be established on the forest land.
- 3.12 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.
- 3.13 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.
- 3.14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 3.15 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 3.16 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.
- 3.17 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.
- 3.18 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

4.00 It is therefore, requested that Government of India may kindly be moved for approving the proposal for diversion of 0.105 ha. Reserved Forest forest land in Pune District for replacing underground water pipeline at Village Mergalwadi, in Daund Taluka Dist. Pune in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 1 copies

Yours sincerely



(Naresh Zurmure)

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

Copy submitted to the Principal Secretary (Forests), Revenue & Forest Department, Mantralya, Mumbai – 400032 for information.

Copy to the Chief Conservator of Forests (Territorial) Pune for information.

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

Copy to the The Chief Officer, Daund Municipal Council, Daund 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 0.105 ha. Reserved Forest forest land in Pune District for replacing underground water pipeline at Village Mergalwadi, in Daund Taluka Dist. Pune in the State of Maharashtra (FP/MH/OTHERS/138892/2021).The details of land proposed for diversion is as under-

Sr. No	Item work purpose	Village Name	Taluka & Dist.	Survey/ Gut No.	Length (M) & Width (M)	Area (in ha)	Legal Status
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				29	347.8 x 1	0.035	
Total Forest Land (in ha.)						0.105	

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: 3 /03 /2022
Place: Nagpur

PART -V


(To be filled in by the Secretary in charge of the Forest Department or any other authorized officer of the State Government not below the rank of under Secretary)

Sub.:- Proposal for diversion of 0.105 ha. Reserved Forest forest land in Pune District for replacing underground water pipeline at Village Mergalwadi, in Daund Taluka Dist. Pune in the State of Maharashtra (FP/MH/OTHERS/138892/2021).The details of land proposed for diversion is as under-

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Total Forest Land (in ha.)						0.105	

Recommended:

MoEF, Government of India, vide letter No.5-5/86-FC (Pt) dated 17/4/2000 has suggested to submit proposals for projects in social sector requiring forest area up to 5.00 Ha., directly to Government of India. Accordingly, Government of Maharashtra has delegated the power to the Nodal Officer, Maharashtra State vide No. FLD-1000/CR-187/F-10 dated 10/05/2000 to submit proposals less than 5.00 Ha. (excluding National Parks and Sanctuaries) directly to Regional Office, MoEF, Nagpur.

 3/3/22

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

Date: 3/03/2021

Place: Nagpur

Proposal for diversion of 0.105 ha. Reserved Forest forest land in Pune District for replacing underground water pipeline at Village Mergalwadi, in Daund Taluka Dist. Pune in the State of Maharashtra (FP/MH/OTHERS/138892/2021)

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 for diversion of 0.105 ha. Reserved Forest land in Pune District for replacing underground water pipeline at Village Mergalwadi, in Daund Taluka Dist. Pune in the State of Maharashtra has been initiated by the Chief Officer, Daund Municipal Council, Daund for seeking approval under Forest (Conservation) Act, 1980.
- 2) The proposal for replacing underground water pipeline already been constructed prior 1980. The said facility handed over to Daund Municipal Council, Daund Dist. Pune for further maintenance. The said pipeline is broken at several places in this regard the water loss through the leakages is more than 50%. Consequently, the Daund city is not getting its target/ assured water supply. Hence the User Agency has come up with proposal for replacing the existing old pipeline.
- 3) The details of the forest land proposed for diversion are as under:-

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				29	347.8 x 1	0.035	
Total Forest Land (in ha.)						0.105	

- 4) Copy of Administrative approval accorded by Collector, Pune dated 18/04/2016 is enclosed on page No.39.
- 5) Copy of Technical approval accorded by Superintending Engineer, Maharashtra Jeevan Pradhikara Circle is enclosed on page No.38.
- 6) The total non forest involved in project is 0.205 ha
- 7) The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed on page no.101 to 105.
- 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 0.01 (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 no violation of Forest (Conservation) Act 1980.
- 14) Proposed project is located at distance of 21.40 km from the Mayureshwar Wildlife Sanctuary.
- 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.31 at Village Gopalwadi, Tal. Daund, Dist. Pune and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 17) The Deputy Conservator of Forests, Pune Forest Division, Pune has submitted proposal for acceptance or otherwise of the proposal with reasons i.e site specific justification as per as per Para 1.15 of the Handbook under FCA, 1980 issued by GOI.

"There is no alternative to the present alignment. The project is in the larger interest of the people of Daund City. The work is required to be carried out immediately to ensure continuity of drinking water supply to Daund City"
- 18) The User Agency has submitted an undertaking to defray the cost of Net Present Value
- 19) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 20) The User Agency has submitted L section Plan is enclosed herewith on page no. 52 to 54
- 21) The User Agency has submitted Cross Section Plan is enclosed herewith on page no. 29.
- 22) 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 in-principle approval as per Government of India vide letter No.11-43/2013-FC, dt.3/12/2018.
- 23) The Deputy Conservator of Forests, Pune Forest Division, Pune and Chief Conservator of Forest (T), Pune have recommended the proposal for diversion of 0.105 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.

2.3 Compensatory Afforestation :-

- a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded Forest land in Gut No.31 at Village Gopalwadi, Tal. Daund, 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.
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2.5 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 0.105 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 & File No.5-3/2011-FC(Vol-I), Dated 06/01/2022 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.
- 2.6 No trees shall be felled during implementation of the project. In case tree felling is required the 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.
- 2.7 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/>)
- 2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 2.9 The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.

- 2.10 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 2.11 No labour camp shall be established on the forest land.
- 2.12 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.
- 2.13 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.
- 2.14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.15 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 2.16 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.
- 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