



**Office of the Principal Chief Conservator of Forests (Head of Forests Force),
Maharashtra State.**

Additional Principal Chief Conservator of Forests & Nodal Officer,

1st Floor, B Wing, Van Bhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001

Tel.No.: 0712- 2556916 , E-mail: apccfnodal@mahaforest.gov.in

Sub: Proposal for diversion of 0.3716 ha. forest land for regularization of lease of Forest land (Before 1980) for use of 33KV x 11KV Sub Station & other amenities from Survey No. 51 A, Gut. No. 77/1 at village Kshetra Mahabaleshwar Dist. Satara, to the MSEDCL Satara, under section 2 (ii) of Forest (Conservation) Act, 1980 in the State of Maharashtra.

No. :- Desk-17/ FCA-SI /PID-156080/Kolhapur/2638
Nagpur- 440 001, Dated: 07/12/2023

To,

The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralaya, Mumbai- 32.

Sir,

The proposal is for diversion of 0.3716 ha. forest land for regularization of lease of Forest land (Before 1980) for use of 33KV x 11KV Sub Station & other amenities from Survey No. 51 A, Gut. No. 77/1 at village Kshetra Mahabaleshwar Dist. Satara, to the MSEDCL Satara, under section 2 (ii) of Forest (Conservation) Act, 1980 in the State of Maharashtra.

2.0 The details of the forest land proposed for diversion are as under:- (PPN-25)

Area required of Forest land				
Name of village	Sy.No/ Gut.No.	Item of work	Area (ha.)	Legal Status
Kshetra Mahabaleshwar	Sy.No 52A, Gut.No. 77/1	Sub-Station	0.1546	RF
		Staff Quarters/ Inspection Block	0.0275	
		Water Tanks	0.0014	
		Open Utility Space	0.1881	
		Total Forest Area	0.3716	

3.0 The Maharashtra State Electricity Distribution Company Ltd. Uga Bhawan New Administrative Building Baramati District Pune Maharashtra is intending to seek an ex post facto approval of the Competent Authority, under provision of Forest (Conservation) Act, 1980, for diversion of Forest Land for continuing operations of existing 33/11 KV Sub-Station at Mahabaleshwar District Satara.

The land for the Sub-Station has been allotted by the Collector, Satara by an order dated 16/04/1974. The documents available on records suggests that the term of the lease is concluded in the year 1999.

However, since the land under lease attract the provisions under Forest (Conservation) Act, 1980, to be able to continue the operations, the MSEDCL has decided to obtain approval of the Competent Authority for diversion of use of the Forest Land.

The Sub-Station is catering the very basic need of local people and eventually the businesses, which are contributing substantially to the economy & development of the Mahabaleshwar city and adjoining villages. Since the project is already executed and is in operation from 1974, there is no alternative available with the MSEDCL, but to seek an approval under Forest (Conservation) Act, 1980 available with the MSEDCL, but to seek an approval under Forest (Conservation) Act, 1980 for continuing operations of the Sub-Station.

After resurvey leased land has been done and now project authority has decided land under Sub-Station and other amenities should applied for regularization of leased and remaining forest lease to be given back to forest department. (PPN 27 & 28)

4.0 The Deputy Conservator of Forests, Satara Forest Division, Satara has certified that:-

4.1 The area belongs to Dence Forest, Eco value class-I and having density of forest is 0.8 (PPN 36)

4.2 The site inspection report of the Deputy Conservator of Forests, Satara Forest Division, Satara is enclosed on (PPN 36 to 39)

4.3 No suitable alternate non-forest land is available and the forest land required is barest minimum. (PPN-43)

4.4 Certified that, the work for construction of 0.3716 ha forest land for regularisation of lease of Forest land (before 1980) for use of 33 XV X 11 KV Sub - Station & other amenities from survey no. 52 A, Gut. No. 77/1 at village Mahabaleshwar, Tal-Mahabaleshwar Dist. Satara to the MSDTCL Satara, But project authority has not applied for extention of lease period or not completed the procedure for regularisation of leased land.

It is true that, the Project authority had not submitted proposal as per FCA guideline, Project Authority had submitted online proposal on FCA portal but it also. remained in draft stage for a long time.

As mentioned above, project Authority has done work in Forest Land, before 1980 but did not complete procedure for extending the lease period or proposal for regularisation of lease. Hence Violation of Forest (Conservation) Act, 1980 and or its guidelines have been committed. (PPN-48)

4.5 Proposed Compensatory Afforestation over 1.00 ha double degraded Forest land on Forest Gut. No.483, Compt.No.169 at Village Kholavadi, Tal. Wai, Dist. Satara is suitable for afforestation and it is free from encroachment and encumbrances. (PPN-53)

4.6 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (PPN-72)

4.7 The project is not included in the area of any National Park/Wildlife Sanctuary or Nature Reserve. (PPN-73)

4.8 The Project is not within 5.00 k.m. of National Park/Wildlife Sanctuary but the project will not have any adverse effect on the Wildlife within National Park/Wildlife Sanctuary. (PPN 74)

4.9 There is no cutting & felling of trees in the implementation of the Project. (PPN-79)

4.10 The area involved in the project away 14.52 km. from the boundary of Sahyadri Tiger Reserve. (PPN-74)

4.11 Certificate regarding 1-alternative examined for liner project. (PPN 86)

Alignments	Name of Village	Forest Sy. No. / Gut. No.	L x W (in Mt.)	Area required (in ha.)	Remarks
Alignment 1	Mahabaleshwar	Sy.No. 52A Gut No. 77/1	--	0.3716	--
Total				0.3716	

- 4.12 The work for 33KV x 11KV Sub Station & other amenities from Survey No. 51 A, Gut. No. 77/1 at village Kshetra Mahabaleshwar Dist. Satara to the MSEDCL Satara has not applied for extend lease period or not completed the procedure to regularization of leased land.

The proposal for extension of lease period from 1974 to next 25 years (1999) was submitted and being chased with forest department at different level since long back but could not be materialized. Year 2004 forest department had advised to apply on Parivesh Portal.

Project Authority has submitted online proposal on FCA portal but it's also remain in draft stage for longer time. Project Authority has not completed processor under FCA 1980 for regularization of lease for construction of 33KV x 11KV Sub-Station and other amenities.

Hence Violation of Forest (Conservation) Act, 1980 and or its guidelines have been committed. In this project no new construction has been done after expiry of lease period. Certificate for violation of Forest (Conservation) Act, 1980 and Report regarding Violation is enclosed on (PPN 48 to 52)

5.0 The User Agency has submitted Undertaking / Certificate / Document:-

- 5.1 Agreed to defray the cost of Compensatory Afforestation. (PPN 46)
- 5.2 Agreed to defray the cost of Net Present Value of the forest land proposed under diversion. (PPN 75)
- 5.3 The project area is outside the Scheduled Tribal Area. (PPN 81)
- 5.4 The project for diversion of 0.3716 ha. Forest land for regularization of lease of forest land (Before 1980) for construction of 33KV x 11KV Sub Station & other amenities from Survey No. 51 A, Gut. No. 77/1 at village Kshetra Mahabaleshwar Dist. Satara Forest area is already handed over to project Authority before 1980, & also before inforcement of HLMC committee for Mahabaleshwar, Pachgani, Wai & Satara municipal council area. In this proposal no new construction of building proposed, & felling of trees does not involved. Hence project authority requested to relaxasation on NOC or Certificate from HLMC & Heritage committee for Mahabaleshwar area. (PPN 34)
- 6.0 Copy of the lease for the period of 50 years accorded by the Government of Maharashtra vide letter No.FLD/1666/109883-Y, dated 30/05/1966 is enclosed in proposal file on (PPN 14)
- 7.0 The User Agency has submitted the certificates of Collector, Satara on Gram Sabha under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act, 2006 stated that forest area is already handed over to project authority in 1974 before inforcement of FRA 2006. In this proposal no new construction of building proposed, and filling of trees dose not involved. Hence, project authority requested to relaxation on certificate of Collector and also NOC resolution from Hills Station Municipal Council, Mahabaleshwar.(PPN 32).

- 8.0 The Deputy Conservator of Forests, Satara Forest Division, Satara and the Chief Conservator of Forest (T), Kolhapur have recommended the proposal for diversion of 0.3716 ha. of Reserved forest land. (PPN 20, 21 & 39)
- 9.0 KML file of the proposed diverted area and CA area is kept in the file at the top.
- 10.0 **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:**
1. The legal status of the forest land required will remain unchanged.
 2. Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha double degraded Forest land on Forest Gut. No.483, Compt.No. 169 at Village Kholavadi, Tal. Wai, Dist. Satara 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. 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.
 4. **NPV:-**
The State Government shall charge the Net Present Value (NPV) for the 0.3716 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022 and 19/01/2022.
 - a) 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.
 - b) As per the certificate given by Project Authority, the Project Authority agrees to defray Net Present Value & penal NPV of the Forest land for acquisition for regularisation of leased land at Mahabaleshwar, Tal. - Mahableshtar, Dist.-Satara.
Forest area required comes under Eco. Value class I, dense forest @ Rs. 1595790/-ha. The Net Present Value for the required forest land of 0.3716 ha, is Rs. 592996/- (Rs, Five Lakh Ninety Two Thousand Nine Hundred Ninety Six only) For violation in this project, The Project Authority has agreed to defray the cost of NPV and penal N.P.V. (NPV + 5 times NPV + 12% Interest Per year). Total Cost of NPV 592996 + Penal NPV 4672808-5265804/- (Rs. Fifty Two Lakh Sixty Five Thousand Eight Hundred Four only) This NPV is exactly as per the rules and calculation provided in the Govt. Resolution no FLD- 1002/CR-199/F 10 dated 19.12.2003 Govt. Maharashtra, & as per revised rate sanctioned by MOEF guideline Dt. 6th Jan 2022. (PPN 76)
 5. 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.
 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.
 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/>)

8. 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.
9. 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.
10. The forest land shall not be used for any purpose other than that specified in the project proposal.
11. 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.
12. 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.
13. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)
14. The Proposal is submitted for perusal and necessary action & further submission to MoEF&CC, Government of India, New Delhi. This proposal is comes scenario-7 because of volition done by user agency. Such proposals are scrutinized & cleared by MoEFCC. Therefore kindly submit this proposal to GoI, MoEFCC.

It is therefore, requested that the Government of India may kindly be moved for diversion of 0.3716 ha. forest land for regularization of lease of Forest land (Before 1980) for use of 33KV x 11KV Sub Station & other amenities from Survey No. 51 A, Gut. No. 77/1 at village Kshetra Mahabaleshwar Dist. Satara, to the MSEDCL Satara, under section 2 (ii) of Forest (Conservation) Act, 1980 in the State of Maharashtra.

Encl: (Proposal in two copy)

Yours sincerely,



(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy forwarded for information to:

1. The Chief Conservator of Forests (T.), Kolhapur.
2. The Deputy Conservator of Forests, Satara Forest Division, Satara.
3. Additional Executive Engineer Civil, MSEDCL Ltd., Krishna Nagar, Satara.
(msdtclaec.satara@gmail.com)

PART -IV

(To be filled by the Nodal Officer or the Principal Chief Conservator of Forests, Head of Forest Force)

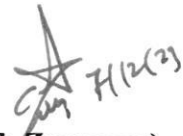
(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub: Proposal for diversion of 0.3716 ha. forest land for regularization of lease of Forest land (Before 1980) for use of 33KV x 11KV Sub Station & other amenities from Survey No. 51 A, Gut. No. 77/1 at village Kshetra Mahabaleshwar Dist. Satara, to the MSEDCL Satara, under section 2 (ii) of Forest (Conservation) Act, 1980 in the State of Maharashtra.

2.00 The details of the forest land proposed for diversion are as under:

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Name of village	Sy.No/ Gut.No.	Item of work	Area (ha.)	Legal Status
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		Staff Quarters/ Inspection Block	0.0275	
		Water Tanks	0.0014	
		Open Utility Space	0.1881	
	Total Forest Area		0.3716	

Specific recommendation of the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur is attached on page no. 30


(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 07/12/2023

Place: Nagpur

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

The proposal is for diversion of 0.3716 ha. forest land for regularization of lease of Forest land (Before 1980) for use of 33KV x 11KV Sub Station & other amenities from Survey No. 51 A, Gut. No. 77/1 at village Kshetra Mahabaleshwar Dist. Satara, to the MSEDCL Satara, under section 2 (ii) of Forest (Conservation) Act, 1980 in the State of Maharashtra.

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The State Government shall charge the Net Present Value (NPV) for the 0.3716 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022 and 19/01/2022.
 - a) 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.
 - b) As per the certificate given by Project Authority, the Project Authority agrees to defray Net Present Value & penal NPV of the Forest land for acquisition for regularisation of leased land at Mahabaleshwar, Tal. - Mahableshtar, Dist.-Satara.

Forest area required comes under Eco. Value class I, dense forest @ Rs. 1595790/-ha. The Net Present Value for the required forest land of 0.3716 ha, is Rs. 592996/- (Rs, Five Lakh Ninety Two Thousand Nine Hundred Ninety Six only) For violation in this project, The Project Authority has agreed to defray the cost of NPV and penal N.P.V. (NPV + 5 times NPV + 12% Interest Per year). Total Cost of NPV 592996 + Penal NPV 4672808-5265804/- (Rs. Fifty Two Lakh Sixty Five Thousand Eight Hundred Four only) This NPV is exactly as per the rules and calculation provided in the Govt. Resolution no FLD- 1002/CR-199/F 10 dated 19.12.2003 Govt. Maharashtra, & as per revised rate sanctioned by MOEF guideline Dt. 6th Jan 2022. (PPN 76)

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Keeping in view the facts mentioned above, this proposal for diversion of 0.3716 ha. forest land for regularization of lease of Forest land (Before 1980) for use of 33KV x 11KV Sub Station & other amenities from Survey No. 51 A, Gut. No. 77/1 at village Kshetra Mahabaleshwar Dist. Satara, to the MSEDCL Satara in the State of Maharashtra is recommended.



(Shailesh G. Tembhurnikar)
Principal Chief Conservator of Forests
(Head of Forest Force),
Maharashtra State, Nagpur.