

Proposal for diversion of 0.1634 ha. forest land in favour of Dinesh Engineers Limited, Navi Mumbai for laying of Laying Optical Fiber Cable from Yavatmal to Ner Road MSH-14 passing through forest area in villages Lohara, Malkhed and Ner of Yavatmal Forest Division in the State of Maharashtra.(FP/MH/Others/41675/2019)

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.

- 1) The proposal is for diversion of 0.1634 ha. forest land in favour of Dinesh Engineers Limited, Navi Mumbai for laying of Optical Fiber Cable from Yavatmal to Ner Road MSH-14 passing through forest area in villages Lohara, Malkhed and Ner of Yavatmal Forest Division in the State of Maharashtra. The location of the project is shown as under:-

Sr. No.	Item	Name of the Village	Survey/Gut No.	Comptt No.	Area (in Ha)	Legal Status
1	Laying of Optical Fiber Cable Line	Lohara	59/1	465	0.08	Reserve Forest
2		Malkhed	28,29,30	420	0.0468	
3		Ner (Nawabpur)	82,92,104, 105/1,106/1	425,426	0.0366	
	Total Forest Area (in ha)				0.1634	

The forest land comprising of 0.08 ha in the proposal in Compartment no.465 in village Lohara belongs to FDCM Ltd. The N.O.C for the same has been given by the FDCM Ltd vide letter No.2414, dt.31/1/2020.

2.00 The project has been initiated by M/s. Dinesh Engineer Ltd., Navi Mumbai for seeking approval under Forest (Conservation) Act, 1980 for laying underground Optical Fiber Cable line from Yavatmal to Ner Road SH-14 passing through forest area in Compartment No.465,420,425,426 of village Lohara, Malkhed and Nababapur (Ner) in Yavatmal Forest Division. The aforesaid project is pursuant to the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008,dt.19/09/2008. The User Agency has highlighted that as per the policy of the Government of India, it is planned to lay Optical Fiber Cable for reliable communication from remote place to District/State Headquarters. Basic aim of the project is to provide the people of under developed areas with reliable and high speed media connectivity. Keeping in mind the above, the Project Authority has submitted the proposal for diversion 0.1634 ha forest land under the Forest (Conservation) Act, 1980. The total non forest involved in the project is 1.0042 ha.

The site inspection report of the Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal is enclosed on page no. 26 to 28.

3.00 The Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal has certified that:-

- 3.1 no suitable alternate land is available and the forest land required is minimum.
- 3.2 the area belongs to Eco-value class-III and having density is 0.4 to 0.6 (Tropical Dry Deciduous Forest)
- 3.3 there is no cutting and felling of trees involved in this project
- 3.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 3.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 3.6 there is no violation of Forest (Conservation) Act 1980.
- 5.7 the proposed area for the project is beyond 65.00 km from the boundary of the protected area (Sanctuary and National Park).
- 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.

6.00 The User Agency has submitted an undertaking that:-


- 6.1 to defray the cost of compensatory afforestation.
- 6.2 to defray the cost of Net Present Value of the forest land proposed under diversion.
- 6.3 the alignment of the trench shall be varied shall ensure no damage and safety of existing tree growth.
- 6.4 the project is in ROW alongwith the State Highway, hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required.
- 7.00 The Government of India has conveyed its general approval under the Section-2(ii) of the Forest (Conservation) Act, 1980 vide Chapter 4 of comprehensive guidelines issued vide letter No.5-2/2017-FC, dt. 28/3/2019 for 15 activities for diversion not more than 1.00 ha forest land to Government Departments, Government undertakings, Boards, Corporations and various user agencies. 'Electric and telecommunication lines is included in these 15 activities. The validity of General approval under section 2 (ii) of FC Act, 1980 has been extended up to 31/12/2020 vide Government of India letter dt.15/2/2018. The proposed Optical Cable line from Yavatmal to Ner Road MSH-14 is passing through forest area in Compartment No.465,420,425,426 of village Lohara, Malkhed and Nababapur (Ner) in Yavatmal Forest Division of the Maharashtra State.

7.1 The Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal and Chief Conservator of Forest (T), Yavatmal have recommended the proposal for diversion of 0.1634 ha. of forest land.

8.00 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: –

- i) The legal status of the land shall remain unchanged.
- ii) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables(OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.
- iii) Net Present Value is exempted for laying of underground Optical Fiber Cable as per the Government of India guidelines.
- iv) The Optical Fiber Cable Line will be laid within maximum size of the trench of 2.00 m depth & 1.0 m width with cable line under the PVC Pipeline.
- v) The land under project will be reclaimed by the user agency for which the agency shall submit a bank guarantee at the rate of Rs. 50/- per running meter and an undertaking to that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be recovered from the bank guarantee.
- vi) If the cable is going to be laid in the formation width of the road, then additional charges in form of bank guarantee shall be given at the rate of Rs.35/- per running mtr. Similarly for reclamation of side drain and for tarred portion, the guarantee will be at the rate of Rs. 300/- per mtr. and Rs.750/- per mtr. respectively. An undertaking shall be obtained from the user agency that it has agreed to make good any loss to Forest/ Environment while laying the cable in the forest area and during maintenance of the same in future. For further maintenance of the project, the agency shall obtain permission from the Forest Department as and when required.
- vii) The forest land shall not be used for any purpose other than specified in the proposal.
- viii) No felling of trees shall done during the implementation of project.
- ix) The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- x) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- xi) No labour camps shall be established on the forest land.

- xii) The layout plan of the proposal shall not be changed without prior approval of the Central Government.
- xiii) The sanction will be subject to final clearance as per the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008, dt. 19/09/2008 and concerned PWD authorities of the project.
- xiv) The User Agency will be authorized to lay the Optical Cable only outside the confines of the Protected Area. Any breach of the said condition by the User Agency will be treated as violation of the provisions of the Forest (Conservation) Act, 1980.
- xv) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xvi) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.
- xvii) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- xviii) The User Agency will make good the land after use/maintenance.


(DR. N Rambabu)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

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 0.1634 ha. forest land in favour of Dinesh Engineers Limited, Navi Mumbai for laying of Laying Optical Fiber Cable from Yavatmal to Ner Road MSH-14 passing through forest area in villages Lohara, Malkhed and Ner of Yavatmal Forest Division in the State of Maharashtra ((FP/MH/ Others/41675/2019). The details of land proposed for diversion is as under-

Sr. No.	Item	Name of the Village	Survey/Gut No.	Comptt No.	Area (in Ha)	Legal Status
1	Laying of Optical Fiber Cable Line	Lohara	59/1	465	0.08	Reserve Forest
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	Total Forest Area (in ha)				0.1634	

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


(Sanjeev Gaur)
Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: /08/2020
Place: Nagpur

**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

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No. : Desk-17/NC/I/ID-12805/ 442 /2020-21

Nagpur - 440 001, Dated :- 01/09/2020

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

The Dinesh Engineers Limited, Navi Mumbai has submitted proposal for diversion of 0.1634 ha. forest land in favour of Dinesh Engineers Limited, Navi Mumbai for laying of Laying Optical Fiber Cable from Yavatmal to Ner Road MSH-14 passing through forest area in villages Lohara, Malkhed and Ner of Yavatmal Forest Division in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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under developed areas with reliable and high speed media connectivity. Keeping in mind the above, the Project Authority has submitted the proposal for diversion 0.1634 ha forest land under the Forest (Conservation) Act, 1980. The total non forest involved in the project is 1.0042 ha. The site inspection report of the Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal is enclosed on page no. 26 to 28.

4.00 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

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

- 5.1 no suitable alternate land is available and the forest land required is minimum.
- 5.2 the area belongs to Eco-value class-III and having density is 0.4 to 0.6 (Tropical Dry Deciduous Forest)
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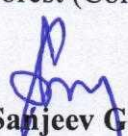
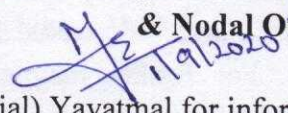
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- 8.7 The forest land shall not be used for any purpose other than specified in the proposal.
- 8.8 No felling of trees shall done during the implementation of project.

- 8.9 The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- 8.10 No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- 8.11 No labour camps shall be established on the forest land.
- 8.12 The layout plan of the proposal shall not be changed without prior approval of the Central Government.
- 8.13 The sanction will be subject to final clearance as per the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008, dt.19/09/2008 and concerned PWD authorities of the project.
- 8.14 The User Agency will be authorized to lay the Optical Cable only outside the confines of the Protected Area. Any breach of the said condition by the User Agency will be treated as violation of the provisions of the Forest (Conservation) Act, 1980.
- 8.15 All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- 8.16 All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.
- 8.17 All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- 8.18 The User Agency will make good the land after use/maintenance.
- 9.00 In view of para 7 above, it is requested that the Government of Maharashtra may kindly accord general approval for diversion of 0.1634 ha. forest land in favour of Dinesh Engineers Limited, Navi Mumbai for laying of Laying Optical Fiber Cable from Yavatmal to Ner Road MSH-14 passing through forest area in villages Lohara, Malkhed and Ner of Yavatmal Forest Division in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies


(Sanjeev Gaur)
Addl. Principal Chief Conservator of Forests
& Nodal Officer


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

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

Copy to the Dinesh Engineers Limited, Navi Mumbai for information.