

Full title of the Project: Proposal for Ex- post Facto Approval for Diversion of Forest Land for Laying Water Intake Pipeline for BGPPL, Bhigwan, Tehsil Indapur, District Pune
File No.: FP/ MH/PIPELINE/48180/2020 **Date of Proposal:** 24/09/2020

APPENDIX(SEE RULE 6)

FORM - 'A'

FORM FOR SEEKING PRIOR APPROVAL UNDER SECTION 2 (ii) OF THE FOREST (CONSERVATION) ACT, 1980

THE PROPOSAL BY THE STATE GOVERNMENTS AND OTHER AUTHORITIES

PART-II

(TO BE FILLED BY THE CONCERNED DY. CONSERVATOR OF FORESTS)

State Serial No. of the Proposal:

7. Location of the Project/ Scheme:

- | | | |
|--------|---|-----------------|
| (i) | State/ Union Territory: | Maharashtra |
| (ii) | District: | Pune |
| (iii) | Forest Division: | Pune |
| (iv) | Area of Forest Land proposed for diversion (In Ha.): 0.83 Ha. | |
| (v) | Legal status of Forest: | Reserved Forest |
| (vi) | Density of vegetation: | Below 0.1 |
| (vii) | Species- wise (Scientific Names) and diameter class- wise enumeration of trees (to be enclosed. In case of irrigation/ hydel projects enumeration at FRL, FRL-2 m and FRL-4 m also to be enclosed):
Felling of trees was not required for the project. | |
| (viii) | Brief note on vulnerability of the Forest area to erosion:
The pipeline is already existing. The Forest Land proposed for diversion is not vulnerable to erosion on account of its location, topographical & geomorphological features and other climatic factors. | |
| (ix) | Approximate distance of proposed site for diversion from boundary of forest:
The pipeline is existing and passes along the boundaries of Reserved Forests of village Bandgarwadi & Kumbhargao. | |

(x) Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.? (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed):
No.

(xi) Whether any rare/ endangered/ unique species of flora and fauna found in the area? (If so, the details thereof):
No rare/ endangered/ unique species of flora and fauna observed or reported so far in the area.

(xii) Whether any protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area? (If so, details thereof with NOC from the Competent Authority, if required):
No protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area proposed for diversion.

8. Whether the requirement of Forest Land as proposed by the User Agency in Col. No. 2 of Part-I is unavoidable and barest minimum for the project? If no, recommended area item- wise with details of alternative examined:

Yes. The project is already executed in 1996-97 and is in operation. Hence, no alternative can be examined at this stage. The requirement of Forest Land as proposed by the User Agency in Col. No. 2 of Part I of Form A, is, thus, unavoidable and barest minimum for the project.

9. Whether any work in violation of the Act has been carried out? (Yes/ No). If yes, details of the same including period of work done, action taken on erring officials. Whether work done in violation is still in progress?:

Yes,

The Work on project has already been carried out in 1996-97 by the User Agency by obtaining all the necessary permissions from concerned authorities, but without obtaining Forest Clearance. The violation came to the notice when a survey was carried out in 2019. The pipeline is still in place. A detailed violation report has been furnished along with this proposal.

After noticing the violation POR/FIR No.05/2019-20, dt.07.06.2019 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. Add. District and sessions Court Baramati.

Another POR/FIR No.E-1/2021-22 dt.27.04.2021 came to be filed against the User Agency regarding the remaining length of the pipeline. The enquiry in that respect is under progress.

10. Details of Compensatory Afforestation Scheme:

- (i) Details of non- forest area identified for Compensatory Afforestation, its distance from adjoining forest, number of patches, size of each:

Annexed hereto at Page No. 36

- (ii) Map showing area identified for Compensatory Afforestation and adjoining forest boundaries:

Annexed hereto at Page No. 79

- (iii) Detailed Compensatory Afforestation Scheme including species to be planted, Implementing Agency, Time Schedule, Cost Structure, etc.:

Annexed hereto at Page No. 36

- (iv) Total Financial Outlay for Compensatory Afforestation Scheme:

Annexed hereto at Page No. 36

- (i) Certificate from Competent Authority regarding suitability of area identified for Compensatory Afforestation and from management point of view (To be signed by the concerned Dy. CF.):

Annexed hereto at Page No. 45

11. Site Inspection Report of the Dy. CF (to be enclosed) especially highlighting facts asked in Col. No. 7 (xi & xii), 8 & 9 above:

The Site Inspection Report is annexed hereto with the proposal.

12. Division Profile:

- | | | |
|-------|--|----------------|
| (i) | Geographical area of the district: | 15,616 Sq.m. |
| (ii) | Forest Area of the District: | 84878 Ha. |
| (iii) | Total forest area diverted since 1980 with no. of cases: | 664.08 Ha./ 72 |
| (iv) | Total compensatory afforestation as on the date: | 481.16 Ha. |
| | (a) Forest Land, including Penal CA: | 76.29 Ha. |
| | (b) Non- forest land: | 404.87 Ha. |
| (v) | Progress of Compensatory Afforestation as on the date: | 481.16 Ha. |
| | (a) Forest Land: | 76.29 Ha. |
| | (b) Non- forest land: | 404.87 Ha. |

13. Specific recommendations of the Dy.CF. for acceptance or otherwise of the proposal with reasons:

The BGPPL required water for running its industrial unit in Bhigwan and also for satisfying need of drinking water of about 1500- 2000 workers engaged by the Company.

The Work on project has already been carried out in 1996-96 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 2444.14 m. is passing through a Forest Land, which was in the administrative control of Revenue Department (Vatap Kshetra) & said Land is distributed before 1980 by the 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, dt.07.06.2019 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. Add. District and sessions Court Baramati.

Another POR/FIR No.E-1/2021-22 dt.27.04.2021 is filed against the User Agency regarding the remaining length of the pipeline. The enquiry in that respect is under progress.

According to letter dt.26.03.2022 BGPPL submitted the proposal saying that they had no intention to encroach upon the Forest Land. Hence, the project can be considered under FCA, 1980.

In order to ensure the continuity of day-to-day operations of the BGPPL and to secure the livelihood of its 1500- 2000 employees, the proposal can be considered for *ex-post facto* approval of the Competent Authority.

Date: 07 / 12 / 2022

Place: Pune

Office Seal:



Rahul Patil, IFS

Dy. Conservator of Forests

Pune Forest Division, Pune