

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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Sub:- Proposal for diversion of 10.3391 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction and laying of 220 KV LILO M/C Transmission Line on 220 KV Tarapur-Borivali and Boisar-Ghodbunder Transmission Line for 400 KM Kudus Sub-Station passing through Palghar District in the State of Maharashtra (FP/MH/TRANS/48321/2020)

No.: Desk-17/Nodal/Thane/ID-13293(79)/3010 /22-23
Nagpur - 440 001, Dated :- 09/02/2023

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

The Executive Engineer, MSETCL, EHV Construction Division, Kalyan-421301 has submitted proposal for diversion of 10.3391 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction and laying of 220 KV LILO M/C Transmission Line on 220 KV Tarapur-Borivali and Boisar-Ghodbunder Transmission Line for 400 KM Kudus Sub-Station passing through Palghar District in the State of Maharashtra has been initiated by the Executive Engineer, MSETCL, EHV Construction Division, Kalyan-421301 for seeking approval under FCA 1980. The details of forest land proposed for diversion is as given below: -

Sr. No	Item work purpose	District	Name of Village	Taluka	Survey No.	Gut No.	Length & Width	Area (in ha.)	Legal Status
1	Construction & laying of 220 KV LILO M/C	Palghar	Kondhale	Wada	203 P	203 P	383 x 35	1.3405	35 Sec. (MPF) Pending for enquiry
2	Transmission Line on 220 KV Tarapur-Borivali & Boisar-Ghodbunder	Palghar	Lohape	Wada	--	83/10	35 x 35	0.1208	Protected Forest
					--	52	147 x 35	0.5145	Vansandhya
					--	10	138 x 35	0.4830	
3	Tr.Line for 400 KV Kudus Substation	Palghar	Kelthan	Wada	176	154	155 x 35	0.5425	Protected Forest
						155	123 x 35	0.4288	
					173	507	13 x 35	0.0442	
						512	3 x 35	0.0107	
						513	30 x 35	0.1039	
						514	82 x 35	0.2858	
						515	47 x 35	0.1656	
4		Palghar	Gorad	Wada	--	61	161 x 35	0.5635	
					--	62	131 x 35	0.4582	
5		Palghar	Nimbavali	Wada	--	155/1	325 x	1.1375	

	cm			cm	cm	cm	cm	cm		
126	303	250	158	93	65	33	18	33	46	1125

- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- (i) There is violation of Forest (Conservation) Act, 1980. The User Agency has been violated area 0.0734 ha. The details violation report is enclosed on page no.60 to 67.
- (ii) There is no violation of Forest (Conservation) Act, 1980.
- 4.6 (i) Proposed project is distance of 4.010 Km from Tungareswhar Wildlife Sanctuary. Also the proposed alignment does not fall within Eco-Sensitive Zone.
- (ii) The proposed project is 8.033 Km of Tansa Wildlife Sanctuary and the project will not have any adverse effect on the wildlife within National Park/Sanctuary.
- 4.7 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.
- 4.8 Proposed Compensatory Afforestation over 21.00 ha. degraded forest land in Compt No. 404, Survey/Gut No.47 pt/36, at Village Dorli, Tal.Bhokar, Dist. Nanded and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 4.9 The proposed alignment is best suitable from forestry point of view.

5.0 The User Agency has submitted an undertaking that:-

- 5.1 The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 5.2 The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 5.3 The User Agency has submitted Cross Section Map is enclosed file page No.73 A
- 5.4 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 final approval as per Government of India vide letter No.11-43/2013-FC, dt. 3/12/2018.
- 5.5 Copy of the Administrative Approval accorded by the Executive Engineer (Scheme-I) vide letter dated 17/11/2016.

6.0 The Deputy Conservator of Forests, Dahanu Forest Division and the Deputy Conservator of Forests, Jawhar Forest Division, Jawhar and Chief Conservator of Forests (T), Thane have recommended the proposal for diversion of 10.3391 ha. of Forest land.

7.00 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: –

7.1 Legal status of the forest land shall remain unchanged.

7.2 Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

7.3 Compensatory afforestation

a) Compensatory afforestation shall be taken up by the Forest Department 21.00 ha. degraded forest land in Compt No. 404, Survey/Gut No.47 pt/36, at Village Dorli, Tal.Bhokar, Dist. Nanded 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.

7.4 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.

7.5 NPV:

a) The State Government shall charge the Net Present Value(NPV) for the 10.3391 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, and GOI,latest guidelines 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.

7.6. 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.

- 7.7 All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
- 7.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 7.9. The User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.
- 7.10. The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- 7.11. The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.
- 7.12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 7.13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.14. No labour camp shall be established on the forest land.
- 7.15. 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.
- 7.16. 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.
- 7.17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.18. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 7.19. The forest land shall not be used for any purpose other than that specified in the project proposal.
- 7.20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

7.21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

7.22. 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.

7.23. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

8.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving proposal for diversion of 10.3391 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction and laying of 220 KV LILO M/C Transmission Line on 220 KV Tarapur-Borivali and Boisar-Ghodbunder Transmission Line for 400 KM Kudus Sub-Station passing through Palghar District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies



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

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

Copy to the Deputy Conservator of Forests, Dahanu Forest Division and the Deputy Conservator of Forests, Jawhar Forest Division, Jawhar for information.

Copy to the Executive Engineer, MSETCL, EHV Construction Division, Kalyan-421301 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 10.3391 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction and laying of 220 KV LILO M/C Transmission Line on 220 KV Tarapur-Borivali and Boisar-Ghodbunder Transmission Line for 400 KM Kudus Sub-Station passing through Palghar District in the State of Maharashtra (FP/MH/TRANS/48321/2020). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Name of Village	Taluka	Survey No.	Gut No.	Length & Width	Area (in ha.)	Legal Status
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						513	30 x 35	0.1039	
						514	82 x 35	0.2858	
						515	47 x 35	0.1656	
4		Palghar	Gorad	Wada	--	61	161 x 35	0.5635	
					--	62	131 x 35	0.4582	
5		Palghar	Nimbavali	Wada	--	155/1	325 x 35	1.1375	
		Palghar	Kalbhon	Vasai	--	68 W1	1 x 35	0.0035	
					--	68/4A	210 x 35	0.7350	

					--	68/W2	38 x 35	0.1324	
					--	102 A	285 x 35	0.9975	
					--	W9	3 x 35	0.0099	
6		Palghar	Navsai	Vasai	162	74/1	345 x 35	1.2075	
					400	10/1	285 x 35	0.9975	
7		Palghar	Khanivade	Vasai	--	142 A	16 x 35	0.0564	
Total Forest land required (in ha.)									10.3391

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

(Signature)
3/2/23

(Naresh Zurmure)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: 9/02/2023

Place: Nagpur

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.

- | Sr. No | Item work purpose | District | Name of Village | Taluka | Survey No. | Gut No. | Length & Width | Area (in ha.) | Legal Status |
|--|---|----------|-----------------|--------|------------|---------|----------------|----------------|-----------------------------------|
| 1 | Construction & laying of 220 KV LILO M/C | Palghar | Kondhale | Wada | 203 P | 203 P | 383 x 35 | 1.3405 | 35 Sec. (MPF) Pending for enquiry |
| 2 | Transmission Line on 220 KV Tarapur-Borivali & Bhoisar-Ghodbunder | Palghar | Lohape | Wada | -- | 83/10 | 35 x 35 | 0.1208 | Protected Forest |
| | | | | | -- | 52 | 147 x 35 | 0.5145 | Vansandnya |
| | | | | | -- | 10 | 138 x 35 | 0.4830 | |
| 3 | Tr.Line for 400 KV Kudus Substation | Palghar | Kelthan | Wada | 176 | 154 | 155 x 35 | 0.5425 | Protected Forest |
| | | | | | | 155 | 123 x 35 | 0.4288 | |
| | | | | | 173 | 507 | 13 x 35 | 0.0442 | |
| | | | | | | 512 | 3 x 35 | 0.0107 | |
| | | | | | | 513 | 30 x 35 | 0.1039 | |
| | | | | | | 514 | 82 x 35 | 0.2858 | |
| | | | | | | 515 | 47 x 35 | 0.1656 | |
| 4 | | Palghar | Gorad | Wada | -- | 61 | 161 x 35 | 0.5635 | |
| | | | | | -- | 62 | 131 x 35 | 0.4582 | |
| 5 | | Palghar | Nimbavali | Wada | -- | 155/1 | 325 x 35 | 1.1375 | |
| | | Palghar | Kalbhon | Vasai | -- | 68 W1 | 1 x 35 | 0.0035 | |
| | | | | | -- | 68/4A | 210 x 35 | 0.7350 | |
| | | | | | -- | 68/W2 | 38 x 35 | 0.1324 | |
| | | | | | -- | 102 A | 285 x 35 | 0.9975 | |
| | | | | | -- | W9 | 3 x 35 | 0.0099 | |
| 6 | | Palghar | Navsai | Vasai | 162 | 74/1 | 345 x 35 | 1.2075 | |
| | | | | | 400 | 10/1 | 285 x 35 | 0.9975 | |
| 7 | | Palghar | Khanivade | Vasai | -- | 142 A | 16 x 35 | 0.0564 | |
| Total Forest land required (in ha.) | | | | | | | | 10.3391 | |

3.0 The 400 KV Kudus Substation is connected with central Utility Power Supply with their existing 200 KV lines. In order to meet present and future power demand of Mumbai, Mumbai Suburban areas, Thane rural areas under Palghar district etc. i.e Strengthening of power supply. Further, in present scenario there is heavy load shedding due to lack of power. This transmission line for proposed belt is very essential to construct and operate 220 KV Kudus of zero load shedding to be implemented w.e.f. 2021 and for industrial growth of Mumbai, Thane and Palghar District for future upcoming Central & Maharashtra Government projects. Hence this public infrastructure is of utmost need and the forest land involved is unavoidable due to the existing alignments of the non-forest land. The Non forest land involved in the project 92.2507 ha. The site inspection report of the Deputy Conservator of Forests, Dahanu Forest Division, Dahanu and Deputy Conservator of Forests, Jawhar Forest Division, Jawhar are enclosed file page No.37 to 39 and 46 to 48

4.0 The Deputy Conservator of Forests, Dahanu Forest Division and the Deputy Conservator of Forests, Jawhar Forest Division, Jawhar have certified that:-

- 4.1 No alternate alignment is possible and the forest land required is barest minimum.
- 4.2 The area belongs to Eco-value class-I having density is 0.4 and 0.7
- 4.3 There are 1225 trees of various species and trees involved in implementation of the project. Girth wise break up of trees is as under:-

		Tree Girth in Cm								Total
Below 30	31-45 cm	46-60 cm	61-75 cm	76-90 cm	91-105 cm	106-120 cm	121-135 cm	136-150 cm	150 above	
126	303	250	158	93	65	33	18	33	46	1125

- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- (i) There is violation of Forest (Conservation) Act, 1980. The User Agency has been violated area 0.0734 ha. The details violation report is enclosed on page no.60 to 67.
- (ii) There is no violation of Forest (Conservation) Act, 1980.
- 4.6 (i) Proposed project is distance of 4.010 Km from Tungareswhar Wildlife Sanctuary. Also the proposed alignment does not fall within Eco-Sensitive Zone.
- (ii) The proposed project is 8.033 Km of Tansa Wildlife Sanctuary and the project will not have any adverse effect on the wildlife within National Park/Sanctuary.
- 4.7 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.

- 4.8 Proposed Compensatory Afforestation over 21.00 ha. degraded forest land in Compt No. 404, Survey/Gut No.47 pt/36, at Village Dorli, Tal.Bhokar, Dist. Nanded and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 4.9 The proposed alignment is best suitable from forestry point of view.

5.0 The User Agency has submitted an undertaking that:-

- 5.1 The User Agency has submitted an undertaking to defray the cost of Net Present Value.
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 - 5.5 Copy of the Administrative Approval accorded by the Executive Engineer (Scheme-I) vide letter dated 17/11/2016.
- 6.0 The Deputy Conservator of Forests, Dahanu Forest Division and the Deputy Conservator of Forests, Jawhar Forest Division, Jawhar and Chief Conservator of Forests (T), Thane have recommended the proposal for diversion of 10.3391 ha. of 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 Legal status of the forest land shall remain unchanged.
- 2.2 Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

2.3 Compensatory afforestation

- a) Compensatory afforestation shall be taken up by the Forest Department 21.00 ha. degraded forest land in Compt No. 404, Survey/Gut No.47 pt/36, at Village Dorli, Tal.Bhokar, Dist. Nanded 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.
- 2.4 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.

2.5 NPV:

- a) The State Government shall charge the Net Present Value(NPV) for the 10.3391 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, and GOI,latest guidelines 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. 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.
- 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 User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.
- 2.10. The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- 2.11. The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.
- 2.12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 2.13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 2.14. No labour camp shall be established on the forest land.

- 2.15. 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.
- 2.16. 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.
- 2.17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.18. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 2.19. The forest land shall not be used for any purpose other than that specified in the project proposal.
- 2.20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- 2.21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
- 2.22. 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.
- 2.23. 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