

**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 0.09 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) at Shirapur, Taluka-Daund, Dist.Pune in the State of Maharashtra (FP/MH/ROAD/145161/2021)

No.: Desk-17/Nodal/Pune/ID- 13703 (25)/3018 /2022-23
Nagpur - 440 001, Dated :- 09/02/2023

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

The Executive Engineer, Public Works East Division, Pune has submitted proposal for diversion of 0.09 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) at Shirapur, Taluka-Daund, Dist.Pune in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr. No	Item work purpose	District	Taluka	Name of Village	Forest Survey No./Gut No.	Length & Width	Area (in ha.)	Legal Status
1	widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) at Shirapur, Taluka-Daund, Dist.Pune in the State of Maharashtra	Pune	Daund	Shirapur	34	230x3.75	0.09	Reserved Forest
Total Forest land required (in ha.)							0.09	

2.0 The Government of Maharashtra has approved project of widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) with increased need for accommodating ever increasing volume of traffic and to ensure safety of human life & property, there is a need for widening of existing width by alteration and addition to existing lanes. This project is also aimed at resolving issues of future demand for increased traffic. The project is also aimed at achieving economic and financial growth of the State through Agriculture, Commerce and Trade by improving connectivity and transportation facilities.

3.00 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

- 4) Total non-forest involved in the project is 6.84 ha.
- 5) The cross section map is enclosed herewith on page no.85.
- 6) The copy of the technical approval accorded by the Chief Engineer, PWD Division, Pune vide letter No.243, dated 19/01/2021.
- 7) The copy of the Administrative approval accorded by the Govt. of Maharashtra vide work order letter No.PLN-2020/CR-1386/N-3 dated 27/02/2020.
- 8) The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed on page no.29 to 33
- 9) No alternate alignment is possible and the forest land required is barest minimum.
- 10) The area belongs to Eco-value class-III having density is below 0.1 (Open Forest).
- 11) There is no cutting and felling of trees involved in the project.
- 12) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 13) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 14) There is no violation of Forest (Conservation) Act, 1980.
- 15) Proposed project is beyond 10 Kms of boundary of Protected Area (Wildlife Sanctuary/National Park).
- 16) The proposed project is State Government's Critical Public Utility & Welfare Project. The project involves forest land to the extent of 0.09 ha. which is less than 1.00 ha. No tree is required to be felled for the purpose of the extent project. In this context, as per para 2.6(1) (b) & (e) of the handbook of FCA, 1980 & FCA, 2003 (Guidelines & Clarification), no compensatory afforestation is to be insisted upon.
- 17) 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.
- 18) There is alternative alignment required to the examined for the project.
- 19) The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 20) 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.
- 21) The Deputy Conservator of Forests, Pune Forest Division, Pune and Chief Conservator of Forests (T), Pune have recommended the proposal for diversion of 0.09 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 The proposed project is State Government's Critical Public Utility & Welfare Project. The project involves forest land to the extent of 0.09 ha. which is less than 1.00 ha. No tree is required to be felled for the purpose of the extent project. In this context, as per para 2.6(1) (b) & (e) of the handbook of FCA, 1980 & FCA, 2003 (Guidelines & Clarification), no compensatory afforestation is to be insisted upon

2.4 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 0.09 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 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.
- 2.5 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.
- 2.6 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/>).
- 2.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 2.8 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 2.9 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 2.10 It Shall be mandatory to provide underpass for safe crossing of wild animals:-
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
 - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
 - (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
 - (d) Interval between such underpasses shall not be more than 2.00 km

- 2.11 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 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 circumstance be transferred to any other agencies, department or person without prior approval of Government 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 Guidelines F.No.11-42/2017-FC, dated 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/>)

3.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for diversion of 0.09 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) at Shirapur, Taluka-Daund, Dist.Pune 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 Forest (T), Pune for information.

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

Copy to the Executive Engineer, Public Works East Division, Pune 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 0.09 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) at Shirapur, Taluka-Daund, Dist.Pune in the State of Maharashtra (FP/MH/ROAD/145161/2021). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Taluka	Name of Village	Forest Survey No./Gut No.	Length & Width	Area (in ha.)	Legal Status
1	widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) at Shirapur, Taluka-Daund, Dist.Pune in the State of Maharashtra	Pune	Daund	Shirapur	34	230x3.75	0.09	Reserved Forest
Total Forest land required (in ha.)							0.09	

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

Naresh Zurmure
31/2/23

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 01/02/2023

Place: Nagpur

Proposal for diversion of 0.09 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) at Shirapur, Taluka-Daund, Dist.Pune in the State of Maharashtra (FP/MH/ROAD/145161/2021)

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 is for diversion of 0.09 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) at Shirapur, Taluka-Daund, Dist.Pune in the State of Maharashtra (FP/MH/ROAD/145161/2021) has been initiated by the Executive Engineer, Public Works East Division, Pune for seeking approval under FCA 1980.
- 2) The Government of Maharashtra has approved project of widening and improvement to MDR-85 Pedgaon Shirapur to Hingani Berdi Road (Chainage Km. 13+500 to Km.22+025) with increased need for accommodating ever increasing volume of traffic and to ensure safety of human life & property, there is a need for widening of existing width by alteration and addition to existing lanes. This project is also aimed at resolving issues of future demand for increased traffic. The project is also aimed at achieving economic and financial growth of the State through Agriculture, Commerce and Trade by improving connectivity and transportation facilities.
- 3) The details of the forest land proposed for diversion are as under:-

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- 8) The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed on page no.29 to 33
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- 10) The area belongs to Eco-value class-III having density is below 0.1 (Open Forest).
- 11) There is no cutting and felling of trees involved in the project.
- 12) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 13) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 14) There is no violation of Forest (Conservation) Act, 1980.
- 15) Proposed project is beyond 10 Kms of boundary of Protected Area (Wildlife Sanctuary/National Park).
- 16) The proposed project is State Government's Critical Public Utility & Welfare Project. The project involves forest land to the extent of 0.09 ha. which is less than 1.00 ha. No tree is required to be felled for the purpose of the extent project. In this context, as per para 2.6(1) (b) & (e) of the handbook of FCA, 1980 & FCA, 2003 (Guidelines & Clarification), no compensatory afforestation is to be insisted upon.
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- a) The State Government shall charge the Net Present Value (NPV) for the 0.09 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 in this regard.
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(Dr. Y.L.P Rao)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur