

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF
FOREST FORCE), MAHARASHTRA STATE, NAGPUR**
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Sub:- Proposal is for diversion of 0.4620 ha. Reserved forest land for construction of link road between two defense complex in Survey No.102, at Village Kothrud, Tal. Haveli, Dist. Pune in the State of Maharashtra (FP/MH/Road/144314/2020).

No. : Desk-17/Nodal/Pune /I.D-13063(23)/570/2022-23
Nagpur – 440 001, Dated 09/06/2022

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralaya, Mumbai – 400032

The Technical Officer 'C', Armament R & D Estt. (ARDE), Pashan, Pune has submitted proposal for diversion of 0.4620 ha. Reserved forest land for construction of link road between two defense complex in Survey No.102, at Village Kothrud, Tal. Haveli, Dist. Pune in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

| Sr. No | Item work purpose | Village | Gut No. | Length & Widht (in Mtr.) | Area (in ha) | Legal Status |
|----------------------------|---|---------|---------|--------------------------|--------------|-----------------|
| 1 | Construction of link road between two defense complex in Survey No.102, at Village Kothrud, Tal. Haveli, Dist. Pune | Kothrud | 102 | 1320 x 3.5 | 0.4620 | Reserved Forest |
| Total Forest Area (in ha.) | | | | | 0.4620 | |

2) The proposed project ARDE has developed several stores and services, spread over in different complexes in Kothrud and Pashan area of Pune. The charter of duties and sphere of activities have been increased manifold. In view of its defense related services and communication, it is utmost necessary for this establishment to have direct approach/ link between its different complexes. The proposed link road would not only ensure the communication need of this organization but also help the general civilian population by removing the inconvenience caused to them because of transportation activities of Arms, Ammunition and explosive of the ARDE.

3) Back drop:-

3.1 Previously, Government of India, Ministry of Environment, Forest and Climate Change, New Delhi has given final approval for diversion of 55.74 ha. forest area to ARAI for laying down of test track for lab under Forest (Conservation) Act, 1980 vide letter dated 24/07/2008 in which condition no.15 i.e.,

"The diversion of land may be done after considering the issue of ARDE also" was laid down.

The then Conservator of Forests, Pune vide letter dated.09/02/2009 gave permission to ARAI for non forest use of the said land in accordance with the final approval for MoEF&CC vide letter dated 24/07/2008. Later Principal Chief Conservator of Forests

(Head of Forest Force) Maharashtra State revoked the said order passed by then Conservator of Forests, Pune for the reasons of non-fulfillment of condition no.15 in the final approval granted by MoEF&CC and also ordered user agency not to start any work over the said area and not to divert the said land to user agency until any further orders are passed by the State Government.

3.2. On dated 29/01/2019 the Deputy Conservator of Forests, Pune Forest Division, Pune has taken one sided possession of Village Kothrud Forest Survey No.102 area of 98.045 ha. out of 105.74 ha. excluding the area 7.695 ha. under possession of ARAI. On dated 01/06/2018 the Government of Maharashtra informed to the Secretary, Department of Defense, New Delhi about all facts of the issue of forest land in survey no.102 at Kothrud, Dist. Pune. In above letter para no.7 mentioned that ***"permission for re-diversion cannot be accorded without prior written consent of the primary user agency"***.

3.3. About diversion of 55.74 ha. forest area to ARAI under Forest Conservation Act, 1980 & this office has given report to the Government of Maharashtra vide letter No. Nodal/RS-II/ID-11293(5)/1308, dated 04/03/2021 for necessary directions/ instruction regarding diversion of land to ARAI. Currently the issue is pending with State Government for further directions. Subsequently, the ARDE & ARAI has now been signed by MoU on 20th January, 2021. The copy of the same is enclosed herewith on file **page no.82**

3.4 Meanwhile ARDE has submitted proposal of 0.4620 ha. which is recommended by the DCF, Pune & CCF (T), Pune for diversion & the proposed road to be open for use of forest department.

4.0 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 copy.

- 4.1 Prescribed form dated 10/01/2003.
- 4.2 Certificate regarding minimum demand of forest land for the project,
- 4.3 Area Statement,
- 4.4 Index map in suitable scale
- 5) Copy of the Administrative Approval is enclosed on page no.33.
- 6) Copy of the Technical Approval enclosed on page no.32
- 7) The cross section map is enclosed herewith on page no.27.
- 8) The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed on page no. 93 to 97
- 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 0.1 (Open Forest).
- 11) There is no tree felling involved in the proposal.
- 12) The proposed project is not included in the of any National Park/Wildlife Sanctuary or Nature Reserve.
- 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 nearest Wildlife Sanctuary/ National Park and its Eco Sensitive Zone.

- 16) Proposed Compensatory Afforestation over 1.00 ha. degraded Forest land in Gut No.791,792 at Village Shirsuphal, Tal. Baramati, Dist. Pune it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 17) Three alternatives have been examined in detail and have to come to conclusion that the alternative No. 1 (having 0.4620 ha) is most suitable for forestry point of view, i.e. minimum area involved and there is no cutting/felling of trees.
- 18) The User Agency has submitted an undertaking to defray the cost of Net Present Value
- 19) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 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 formal 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 Forest (T), Pune have recommended the proposal for diversion of 0.4620 ha. of Reserved forest land.

22.00 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: –

22.1 The legal status of the forest land required will remain unchanged.

22.2 Compensatory Afforestation :-

- a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded forest land in Gut No.791,792 at Village Shirsuphal, Tal. Baramati, Dist. Pune 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.

22.3 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.

22.4 NPV:-

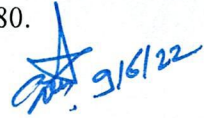
- a) The State Government shall charge the Net Present Value (NPV) for the 0.4620 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) 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 File No.5-3/2011-FC(Vol-I), 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.

22.5 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.

- 22.6 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/>)
- 22.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 22.8 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 22.9 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 22.10 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
- 22.11 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 22.12 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 22.13 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 22.14 No labour camp shall be established on the forest land.
- 22.15 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.
- 22.16 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.
- 22.17 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 22.18 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.
- 22.19 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 22.20 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 22.21 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.
- 22.22 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.
- 22.23 The proposed road shall be open for use of Forest Department at all times.
- 22.24 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 the proposal for diversion of 0.4620 ha. Reserved forest land for construction of link road between two defense complex in Survey No.102, at Village Kothrud, Tal. Haveli, Dist. Pune in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

 9/6/22

(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests
& Nodal Officer**

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

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

Copy to the Technical Officer 'C', Armament R & D Estt. (ARDE), Pashan, 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)

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| Sr. No | Item work purpose | Village | Gut No. | Length & Widht (in Mtr.) | Area (in ha) | Legal Status |
|----------------------------|---|---------|---------|--------------------------|--------------|-----------------|
| 1 | Construction of link road between two defense complex in Survey No.102, at Village Kothrud, Tal. Haveli, Dist. Pune | Kothrud | 102 | 1320 x 3.5 | 0.4620 | Reserved Forest |
| Total Forest Area (in ha.) | | | | | 0.4620 | |

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



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

Date: 09/06/2022
Place: Nagpur

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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 0.4620 ha. Reserved forest land for construction of link road between two defense complex in Survey No.102, at Village Kothrud, Tal. Haveli, Dist. Pune in the State of Maharashtra has been initiated by the Technical Officer 'C', Armament R & D Estt. (ARDE), Pashan, Pune for seeking approval under Forest (Conservation) Act, 1980.
- 2) The proposed project ARDE has developed several stores and services, spread over in different complexes in Kothrud and Pashan area of Pune. The charter of duties and sphere of activities have been increased manifold. In view of its defense related services and communication, it is utmost necessary for this establishment to have direct approach/ link between its different complexes. The proposed link road would not only ensure the communication need of this organization but also help the general civilian population by removing the inconvenience caused to them because of transportation activities of Arms, Ammunition and explosive of the ARDE.
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- 11) There is no tree felling involved in the proposal.
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22.4 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 0.4620 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 File No.5-3/2011-FC(Vol-I), 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

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(Dr. Y.L.P Rao)

**Principal Chief Conservator of Forests
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Maharashtra State, Nagpur**