

**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 is for diversion of 1.64 ha. Zudpi Jungle
land under Forest (Conservation) Act, 1980
for Establishment Transport City and Industrial
Estate in Nagpur District of Maharashtra State.
(FP/MH/IND/16347/2015)

No. : Desk-17/NC/II.D- / 1365/19-20
Nagpur - 440 001, Dated : 26/11/2019

To,

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

The Chairman, Umiya Audhyogik Sahakari Vasahat Maryadit, Kapsi (BK), Tahsil-Kamthi, District Nagpur has submitted the proposal for diversion of 1.64 ha. Zudpi Jungle land under Forest (Conservation) Act, 1980 for Establishment Transport City and Industrial Estate in Nagpur District of Maharashtra State. The details of forest land proposed for diversion are given as below: -

Sr. No	Item work purpose	Name of Village	Survey No.	Area (in Sqm.)	Area (in ha)	Legal Status
1	Road	Tarodi (BK), Tal. Kamptee	88	3000	0.30	Zudpi Jungle
2	Industry			9000	0.90	
3	Open Space Park & Garden			4400	0.44	
	Total Forest land (in ha.)				1.64	

2.00 The proposal has been initiated by Chairman, Umiya Audhyogik Sahakari Vasahat Maryadit, Kapsi (BK), Tahsil-Kamthi, District Nagpur for seeking approval under Forest (Conservation) Act, 1980. The User Agency has certified the Co-operative Society registered on 06/10/1997 under Section 9 (1) of Maharashtra Co-operative Societies Act, 1960 by the Director of Industries, Maharashtra State vide registration No.NGP/KTE/RSR/105/97-98 .

3.0 The User Agency has certified that in exercise of power conferred under the Maharashtra Regional and Town Planning Act, 1966, the Government of Maharashtra vide Urban

Development Department Notification No.TPS 2496-1505-CR-273-UD-9,dated 06/05/2000 read with Notification No.TPS-2402-313-CR-137-UD-9,dated. 30/06/2003 have sanctioned Regional Plan for Nagpur District and the land baring survey numbers as specified therein from Kapsi, Tarodi and Asoli villages of Taluka Kamthi were earmarked for "Transport City and Industrial Estate" user in the said Regional Plan. The total land comprising 164.8 ha has been earmarked in these three villages for "Transport City and Industrial Estate." The zudpi jungle land proposed for diversion in S.No.88 of village Tarodi is in possession of Revenue Dapartment and the same has been certified by Deputy Conservator of Forest, Nagpur Forest Division, Nagpur.

4.00 This project is demarcated on Survey of India Top sheet No. 55/O/3 and the forest area lies within Latitude and Longitude is A] N-21°7'47.22 to E-79°11'41.07" B] N-21°7'46.07 to E-79°11'45.70" C] N-21°7'43.46 to E-79°11'44.99" and D] N-21°7'44.69 to E-79°11'40.26". The site inspection report of the Deputy Conservator of Forests, Nagpur Forest Division, Nagpur is enclosed on page no.35 to 37.

5.0 The required 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 as well as on the following points are enclosed in two copies.

5.1 Prescribed form dated 10/01/2003.

5.2 Certificate regarding minimum demand of forest land for the project,

5.3 Area Statement,

5.4 Index map,

6.00 The Deputy Conservator of Forests, Nagpur Forest Division, Nagpur has certified that:-

- 6.1 no suitable alternate land is available and the forest land required is minimum.
- 6.2 the area belongs to Eco-value class-III and having density of forest 0. (Tropical Dry Deciduous Forest)
- 6.3 there is no cutting and felling of trees involved in this project.
- 6.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 6.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 6.6 the User Agency is a Private Agency and have encroached the said zudpi jungle land in Survey No.88 of Mauza Tarodi (BK), Taluka Kamptee, District Nagpur by constructing work of Maa Umiya Textiles Private Limited on the East-West 55 Mt. and North-South

41 Mt. i.e. 0.225 ha. Moreover kuchcha road has also been constructed on the North-South 115 x 10 Mt. i.e. 0.115 ha. zudpi jungle land

He has further clarified that zudpi jungle land in question is an isolated patch as per the 7/12 extract and other related available documents shows the ownership as Maharashtra Government Gut Gram Panchayat, Tarodi (BK) under possession of the Revenue Department and therefore Forest Department has no administrative control over the aforesaid Survey No.88. In his certificate the Deputy Conservator of Forests, Nagpur Forest Division has submitted violation report under Forest (Conservation) Act 1980. However, Government of India vide letter No.F.No.11-42/2017-FC has issued guidelines for activities which constitute violation of FCA, 1980 and rules made thereof and guidelines issued in this behalf, by user agencies and quantum of penalty to be imposed. The same has been dealt in para B. in cases where the proposal under FC Act is under consideration and forest land is diverted before grant of FC:

- 6.7 the proposed area for the project is beyond 10 km from the boundary of the protected area (Sanctuary and National Park).
- 6.8 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.
- 6.9 and proposed compensatory afforestation over 1.64 ha. Private land in Survey No.51/1 of village Suvardhara Tal. Parsivani in Dist. Nagpur and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 7.0 The Collector, Nagpur has certified that the Revenue Zudpi Jungle Land bearing Survey No.88, area 1.64 Hecter of Mauza Tarodi, Tal. Kamptee, Dist. Nagpur is quit essential for development of IID, Kapsi, involving establishment of Park & Garden for the residents of the area as well as neighboring villeges. There is no other alternative, except to utilize the said land since it is located in the middle of the Industrial Area.

8.0 The User Agency has submitted an undertaking that:-

- 8.1 to defray the cost of compensatory afforestation.
- 8.2 to defray the cost of Net Present Value of the forest land proposed under diversion.
- 8.3 to obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- 8.4 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

‘Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval’.

Hence, the user agency has given 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 in-principle approval.

- 9.00 The Deputy Conservator of Forests, Nagpur Forest Division, Nagpur and Chief Conservator of Forests (T), Nagpur Circle have recommended the proposal for diversion of 1.64 ha. of forest land.

10.00 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: –

- 10.1 The legal status of the forest land required will remain unchanged.
- 10.2 Compensatory afforestation shall be taken at the cost of user agency over 1.64 ha. Private land in Survey No.51/1 of village Suvardhara Tal. Parsivani in Dist. Nagpur
- 10.3 The forest land shall not be used for any purpose other than specified in the project.
- 10.4 For violation of FCA, 1980 the user agency shall pay as penalty the NPV of the forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest till the deposits is made.
- 10.5 The user agency will defray the cost of Net Present Value of 1.64 ha. of forest land as per the latest guidelines of the Government of India.
- 10.6 The user agency will defray the additional cost of Net Present Value of forest land as per the latest guidelines of Government of India.

- 10.7 user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- 10.8 The user agency shall provide fuels preferable alternate fuels to the labours and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- 10.9 The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
- 10.10 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 10.11 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central government.
- 10.12 No damage to the flora and fauna of the adjoining area shall be caused.
- 10.13 felling of trees shall be undertaken during the implementation of the project. The State Forest Department shall ensure strict compliance of this condition.
- 10.14 The user agency shall obtain the certificate of the Collector, Nagpur under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 after Stage I approval.
- 10.15 The forest land shall not be used for any purpose other than that specified in the proposal.
- 10.16 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

It is, therefore, requested that Government of India may kindly be moved for approving the proposal for diversion of diversion of 1.64 ha. Zudpi Jungle land under Forest (Conservation) Act, 1980 for Establishment Transport City and Industrial Estate in Nagpur District of Maharashtra State under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests
& Nodal Officer,

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

Copy to the Deputy Conservator of Forests (T), Nagpur Forest Division, Nagpur for information.

Copy to the Chairman, Umiya Audhyogik Sahakari Vasahat Maryadit, Kapsi (BK), Tahsil-Kamthi, District Nagpur for information.

[Handwritten signature]
26/11/2019