

VIOLATION STATEMENT

Report regarding violation of Forest (Conservation) Act, 1980 for the consideration of the committee constituted under the chairmanship of the Chief Secretary wide G.P.No.FLD.1089/475/Part2/F-10, dated 2nd December 1991 as under :-

1.	Name of Agency	:	Project Director, National Highways Authority of India, PIU Thane																			
2.	Name of the Project	:	Diversion of 14.613 ha. forest land in favour of NHAI for Construction of Eight laning of existing four lane Vadape to Thane from Km.539.202 to Km.563.000 section of NH-3 (New NH-848) in the State of Maharashtra to be executed on Hybrid Annuity Mode (HAM).																			
	A) Whether the Project is under EGS or Plan		Plan																			
3.	Location :	:	<table border="1"> <tr> <td>Village</td> <td>F.S. No.</td> </tr> <tr> <td>a) F.S. No./Compt. No.</td> <td>Vadpe</td> </tr> <tr> <td>b) Village</td> <td>Dhamngaon</td> </tr> <tr> <td></td> <td>Yewai</td> </tr> <tr> <td></td> <td>Elkunde</td> </tr> <tr> <td></td> <td>Sonale</td> </tr> <tr> <td></td> <td>Pimplas</td> </tr> <tr> <td></td> <td>Pimpalner</td> </tr> <tr> <td></td> <td>Ovali</td> </tr> </table>		Village	F.S. No.	a) F.S. No./Compt. No.	Vadpe	b) Village	Dhamngaon		Yewai		Elkunde		Sonale		Pimplas		Pimpalner		Ovali
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	c) Taluka		Bhiwandi																			
	d) District		Thane																			
4.	No. and Date of Technical	:	-																			

ACD

	sanction		
5.	No. and Date of Administrative approval	:	-
6.	Period of work on Forest Land	:	2 Lane road construction
	a) Date of starting the work		August 1980
	b) Date of stopping the work		31/12/1982
7.	Period of work on Non Forest Land	:	2 Lane road construction
	a) Date of starting the work		August 1980
	b) Date of stopping the work		31/12/1982

8) Details of work done on Forest Area

Sr. No.	Item	Forest Land involved in the item	Extent work done violation of Forest Land	Amount Sanctioned on the item stated Cost	Amount spent on violation on item No.2	Remark
1.	Two lane road construction	2.908 Ha.	2.908 Ha.	10. 00 Cr. Approximate	1.25 Cr Approximate	
2.	Four lane road expansion	2.039 Ha	2.039 Ha	50.00 Crores Approximate	7.00 Cr. Approximate	

9) Detail of Work on Non Forest Land

	Item of work	Quantity	Expenditure	Period of work done
A) For Non Forest Land	Two lane road construction	23.26 Ha	8.75 Cr. Approximate	August 1980 31/12/1982
B) For Non	Four lane road	40.56 Ha	43.00 Cr	21/09/1998 To

Adh

Forest Land		expansion			31/12/2003
10	Name of officers responsible for violation			:	
10A	For Two lane road construction				
	Name of Agency				Executive Engineer, National Highway division, Thane
	Name Of Officer (From 1980-1982)				Designation
10.A1	V. D. Borkar (November 1977 to January 1980)				Executive Engineer, National Highway division, Thane
10.A2	U. S. Kalgutkar (January 1980 to February 1980				Executive Engineer, National Highway division, Thane
10.A3	V. D. Borkar (February 1980 to May 1982)				Executive Engineer, National Highway division, Thane
10.A4	A.T. Londhe (May 1982)				Executive Engineer, National Highway division, Thane
10.A5	Y.G. Patwardhan (May 1982 to November 1982)				Executive Engineer, National Highway division, Thane
10.A6	A.T. Londhe (November 1982)				Executive Engineer, National Highway division, Thane
10.A7	Y.G. Patwardhan (November 1982 to January 1983)				Executive Engineer, National Highway division, Thane
10 B	For Four lane road expansion				
	Name of Agency				Executive Engineer, National Highway division, Thane
	Name Of Officer (From 21.09.98 to 31.12.2003)				Designation
10 .B1	M.R. Ashtavadhan (July 1996 to March 1999)				Executive Engineer, National Highway division, Thane
10.B2	B.G.Chikhlikar (March 1999 to May				Executive Engineer, National Highway

	2001)		division, Thane
10.B3	A. K. Deshapande (June 2001 to January 2002)		Executive Engineer, National Highway division, Thane
10.B4	M.P. Devre (January 2002 to July 2002)		Executive Engineer, National Highway division, Thane
10.B5	H. B. Kuriya (July 2001 to June 2005)		Executive Engineer, National Highway division, Thane
10.B6	H. B. Kuriya (16.07.2001 to 13.06.2005)		Executive Engineer, National Highway division, Thane
11	Whether the violation case fits in the criteria's Specified in the CRT 7 & F.D. No.1089/G.R. 475/Part-2/F-10 dated 21.09.1991 a) If yes in which para b) If not why	:	—
12	Action proposed by the Agency against Officers responsible for violation	:	Vide this office no.1407 dated 29.12.2021 requested Secretary, PWD, Mantralaya Mumbai to take appropriate action against these officers as per MCSR 1979 for said violation of Provisions of Forest Conservation Act 1980. The copy of said letter is attached herewith for your ready reference.

Certificate

It is certified that the information in forgoing para's is certified by me and found to be correct.

Date 29 /12/ 2021

Place: Thane.


(Mukunda T. Attarde)
Project Director
NHAI, PIU-Thane

13. Remarks of Deputy Conservator of Forests

After verification of the documents submitted by the user agency for the proposed project, it has been noticed that, the violation is done at the time of 2 laning of project in the year 1980-1982 & 4 laning of project in the year 1998-2003 by the National Highway Division. The violation was done, the project authority is ready to compensate in terms of Penal Compensatory Afforestation, Penal Net Present Value (Calculated as per Eco Class I) as directed by Government of India. Also, it is requested to the project proponent to bear necessary amount for the construction of the RCC compound wall, Chainlink fencing watch tower, CCTV at the Check post. Forest Guard Naka, Foresters Quarter, 2 Patrolling Vehicle, Foerst Check Post at a pre-decided location for effective protection of the forest land to protect the balance forest land along with proposed National Highway.

Place : Thane

Date :



**Deputy Conservator of Forests
Thane Forest Division
Thane**

14. Remarks of Chief Conservator of Forests

**Chief Conservator of Forests
Thane Forest Division
Thane**

15. Remarks of the Principal Chief Conservator of Forests

**Principal Conservator of Forests
Maharashtra State
Nagpur**



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road, Transport & Highways, Government of India)

परियोजना कार्यान्वयन इकाई - ठाणे, एम. टी. एन. एल. बिल्डिंग, बाबूभाई पेट्रोल पंप के सामने,
एल. बी. एस. मार्ग, कॅसल मिल सर्कल के पास, ठाणे (प) - ४००६०१

Project Implementation Unit - Thane MTNL Building, Opp. Babubhai Petrol Pump,
LBS Marg, Near Castle Mill Circle, Thane (w) - 400601

ईमेल : piuthane@nhai.org / piuthane@gmail.com वेबसाइट / Website: nhai.gov.in



NHAI/PIU-Thane/VT -20 /2021-22/1407

Date : 29.12.2021

To,
Secretary
Public Works Department
Mantralaya, Mumbai.

Sub: Diversion of 14.613 ha. forest land in favour of NHAI for Construction of Eight laning of existing four lane Vadape to Thane from Km.539.202 to Km.563.000 section of NH-3 (New NH-848) in the State of Maharashtra to be executed on Hybrid Annuity Mode (HAM).

Sir,

While taking up the work of 8 laning of Vadape Thane Section of NH-848 (Old NH-3) in June 2021 by M/s. MSRDCIPL. It was informed by Forest Officials that the ROW involves forest area and documents towards diversion of forest land under the provisions of Forest Conservation Act -1980 are not produced by the authority. After perusal of the available documents it was observed that though earlier it was proposed to handover 60m ROW to NH PW Division, Thane in August 1980, it seems that the process could not be completed.

2. The 2 lane construction in this ROW was done from 1980 to 1982 & later on 4 lane work was done during 1998 to 2003. After detail inspection of site it was advised by Forest Officials to submit forest diversion proposal for entire ROW. Accordingly, the proposal has been submitted to forest department for an area 14.613 Ha. on 31.10.2021. As the violation seems to have taken place knowingly/unknowingly. The details of the officials who were in-charge in the respective years were obtained. The list is enclosed at Annexure-A.

It is requested to take necessary action as per the MCS Rules -1979 at your end.

Thanking you

Yours faithfully

Encl : As above.

(M. T. Attarde)
Project Director
NHAI, PIU-Thane

Copy to: CGM (T) & RO, Mumbai : for Kind information, please.

Proposal for the diversion of Diversion of 14.613 Ha. Forest Land in favour of NHAI for Construction of Eight laning of existing Four lane Vadape to Thane from Km. 539.202 to Km. 563.000 section of NH 3 (New NH-848) in the State of Maharashtra to be executed on Hybrid Annuity Mode (HAM). By Project Director, National Highways Authority of India, PIU, Thane.

JUSIFICATION OF VIOLATION

Brief Background and requirement of the project :- Proposal is submitted for the Diversion of 14.613 Ha. Forest Land in favour of NHAI for Construction of Eight laning of existing Four lane Vadape to Thane from Km. 539.202 to Km. 563.000 section of NH 3 (New NH-848) in the State of Maharashtra to be executed on Hybrid Annuity Mode (HAM).

Good transportation systems are lifeline to the area they serve. Roads bring about all-round development in the region. A good road network helps in the success of all development activities. It is in the sphere of movement of people and goods, agriculture, commerce, education, health, and social welfare, or even maintenance of law and order and security. The Vadape-Thane Road is located in the district of Thane which in turn is located in the State of Maharashtra. Maharashtra occupies the western and central part of the country and has a long coastline stretching nearly 720 km along the Arabian Sea. The Sahyadri mountain ranges provide a physical backbone to the State on the west, while the Satpuda hills along the north and Bhamragad-Chiroli Gaikhuri ranges on the east serve as its natural borders. The State is surrounded by Gujarat to the north west, Madhya Pradesh to the north, Chhattisgarh to the east, Andhra Pradesh to the south east, Karnataka to the south and Goa to the south west.

The existing road from Vadape (km 539+202) to Thane (km 563+000) experienced tremendous growth in Traffic once 4 laning was done, as it is a vital link connecting NH-8, NH-3, NH-4 and NH-17 & now it is also proposed to be connected to Samruddhi Mahamarg ie Nagpur -Mumbai Expressway. The traffic has increased considerably after development of surrounding network and growth of urban conglomerates like Thane Municipal Corporation (TMC), Kalyan Dombivli Municipal Corporation (KDMC), Navi Mumbai Municipal Corporation (NMMC) and Bhiwandi Nizampur Municipal Corporation BNMC). Keeping this in view, GOI has initiated 8 laning of this corridor considering present traffic and

of the proposal for an area of 13.91 Ha forwarded in 1984 is not available in records, during discussion with forest officials, they have suggested to prepare fresh forest proposal for entire 60m ROW, and submit it online for approval from Govt of India. The same has been prepared and now the area to be diverted in which NH ROW comes out to 14.613 Ha. The fresh proposal shall be processed for approval. In view of the above, the work done for 2 lane and 4 lanes shall not be considered as violation and the fresh proposal shall be processed for early approval.

Date 23/12/ 2021

Place: Thane.


(Mukunda T. Attarde)

Project Director, National
Highways Authority of India
PIU-Thane.