



**Office of the Principal Chief Conservator of Forests (Head of Forests Force), Maharashtra State**

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

1<sup>st</sup> Floor, B Wing,

VanBhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001

Tel.No.: 0712- 2556916 , E-mail: [apccfnodal@mahaforest.gov.in](mailto:apccfnodal@mahaforest.gov.in)

Sub: - Proposal for diversion of 0.32 ha. forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground private pipeline & electric line for agricultural water supply purposes for forest land Gut No.23,24,25 Compt.No.397 at Village Mozari Kd, Tal. Barshitakli Dist. Akola in favour of i) Mohan Sahadevrao Bhalerao ii) Pawan Pundlik Tawade iii)Janrao Sitaram Sawake iv) Sau.Nanda Dinkar Tawade v) Dilip Bhagwan Bramhankar vi) Atul Sheshrao Jadhav vii)Mohan Raoji Rathod viii) Shriam Narayan Kore ix) Ramdas Vasudev Kore in the State of Maharashtra.

No: - Desk-17/Nodal/Amravati/ID-13189/2658/2022-2023

Nagpur- 440 001, Dated- 11 /01/2023

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

Sir,

The Shri. Madhukar Shewala Rathod & 9 other farmers submitted proposal for diversion of 0.32 ha. forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground private pipeline & electric line for agricultural water supply purposes for forest land Gut No.23,24,25 Compt.No.397 at Village Mozari Kd, Tal. Barshitakli Dist. Akola in the State of Maharashtra. The details of forest land proposed for diversion is as given below:-

item work purpose	Name of Village	Taluka	District	Compt. No.	Gut/S ur. No.	Length x width (mtr)	Area (In ha.)
Laying of the underground private pipeline for agricultural purpose.	Mozari Kd.	Barshitakli	Akola	397	25	30 x 1	0.003 0.013 0.065
				397	24	120 x 1	
				397	23	650 x 1	
<b>Total pipeline</b>							<b>0.08</b>
Laying of the underground Electric line	Mozari Kd.	Barshitakli	Akola	397	25	30 x 3	0.009 0.036 0.195
				397	24	120 x 3	
				397	23	650 x 3	
<b>Total electric line</b>							<b>0.24</b>
<b>Grand Total</b>							<b>0.32</b>

3.00 The proposal has been initiated by Shri Madhukar Shewala Rathod & 9 other farmers i) Mohan Sahadevrao Bhalerao ii) Pawan Pundlik Tawade iii) Janrao Sitaram Sawake iv) Sau.Nanda Dinkar Tawade v) Dilip Bhagwan Bramhankar vi) Atul Sheshrao Jadhav vii) Mohan Raoji Rathod viii) Shriam Narayan Kore ix) Ramdas Vasudev Kore under the Forest (Conservation) Act, 1980 for laying of underground pipeline & eclectic line for agricultural purposes for forest land Gut No.25,24,23 Compt.No.397 at Village Mozari Kd., Tal. Barshitakli. Dist. Akola in the State of Maharashtra. The User Agency has certified that in this project only 0.32 ha forest area will affect but 27.53ha area will come under irrigation which will help to improve living standard by cultivating irrigated crop. In this project along the pipeline eclectic line also have to erect which does not need other rout. The area for laying pipeline and erection of electric poles is need only 0.32. The site inspection report of the Deputy Conservator of Forests, Akola Forest Division, Akola is enclosed on page no.29.

4.00 This Project is proposed to give irrigation benefits of agricultural land will improve agriculture production. This will produce employment for the local people, reduce migration and escalate the financial status of farmers.

**5.00 The Deputy Conservator of Forests, Akola Forest Division, Akola has certified that:-**

- 5.1 No suitable alternate non-forest land is available and the forest land required is barest minimum.
- 5.2 The area belongs to Southern tropical dry deciduous forest Eco-value class-III Category and having density of forest is 0.1.
- 5.3 There is no cutting & felling of trees involved in the implementation of the Project.
- 5.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 5.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 5.6 There is no violation of Forest (Conservation) Act, 1980.
- 5.7 The proposed area is beyond 10 kms of the boundary of the Protected Area (Sanctuary and National Park.)
- 5.8 After examination the Deputy Conservator of Forests, Akola has come to the conclusion that the alternatives shown (A) is the most suitable for forestry point of view.
- 5.9 Proposed Compensatory Afforestation over 1.00 ha degraded Forest land in Compt No.397 and Gut No.23, 24, 25, Village-Mozai Kd, Tal. Barshitakli Dist. Akola and it is contiguous, degraded forest land, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 5.10 Site infection report by the Deputy Conservator of Forest Akola Division, Akola Indicating is observation is enclosed.

**6.00 The User Agency has submitted undertaking that:-**

- 6.1 Agreed to defray the cost of Compensatory Afforestation.
- 6.2 Agreed to defray the cost of Net Present Value of the forest land proposed under diversion.
- 6.3 Government of India vide letter dated 3/12/2018 of F.No.11-43/2013-FC has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) 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 certified that 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 along with Stage-I compliance.

- 7.00 The Deputy Conservator of Forests, Akola Forest Division, Akola and the Conservator of Forests (T.), Amravati have recommended the proposed for diversion.
- 8.00 The revised KML file of the diverted area and C.A area is placed in CD's on file at the top. The said KML file received by the User Agency on 08/12/2021.
- 9.00 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:-
  - 9.1 The legal status of the forest land required will remain unchanged.
  - 9.2 **Compensatory Afforestation:-**

Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha degraded Forest land in Compt No.397 and Gut No.23,24,25 Village-Mozari Tal. Barshitakli, Dist. Akola 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.
  - 9.3 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 provisions for anticipated cost increase for works scheduled for subsequent years.
  - 9.4 **NPV:-**
    - a) The State Government shall charge the Net Present Value (NPV) for the 0.32 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.
  - 9.5 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.
  - 9.6 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/>)
  - 9.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
  - 9.8 The pipeline shall be laid down 1.5 meter below the ground and after laying down of pipeline the ground will be leveled.
  - 9.9 No labour camp shall be established on the forest land.
  - 9.10 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.

- 9.11 The boundary of the diverted forestland shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 9.12 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 9.13 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.
- 9.14 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, dated 29/01/2018.
- 9.15 Any other condition that the Ministry of environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 9.16 The compliance report shall be uploaded on e-portal(<http://parivesh.nic.in/>).

**Encl: (Proposal in one copy)**

Yours sincerely,



**(Naresh Zurmure)**

Addl. Principal Chief Conservator of Forests  
& Nodal Officer

**Copy Submitted to:-** The Deputy Director General (Central), Ministry of Environment, Forests, and Climate Change, Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001 Encl: (Proposal in one copy}

**Copy forwarded for information to:-**

1. The Conservator of Forests (T.), Amravati.
2. The Deputy Conservator of Forests, Akola Forest Division, Akola.
3. Shri Madhukar Shewala Rathod & 9 other farmers Village Mozari Kd, Tal. Barshitakli Dist. Akola.



**PART -IV**

**(To be filled by the Nodal Officer or the 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 0.32 ha. forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground private pipeline & electric line for agriculture water supply purpose for forest land Gut. No.23,24,25, Compt.No.397 at village Mozari kd, Tal. Barshitakli Dist. Akola in the State of Maharashtra. The details of land proposed for diversion is as under-

Item work purpose	Name of Village	Taluka	District	Compt. No.	Gut/Su r. No.	Length x width (mtr)	Area (In ha.)
Laying of the underground private pipeline for agricultural purpose.	Mozari Kd.	Barshitakli	Akola	397	25	30 x 1	0.003
							0.013
							0.065
				397	24	120 x 1	
				397	23	650 x 1	
<b>Total pipeline</b>							<b>0.08</b>
Laying of the underground Electric line	Mozari Kd.	Barshitakli	Akola	397	25	30 x 3	0.009
							0.036
				397	24	120 x 3	0.195
				397	23	650 x 3	
<b>Total electric line</b>							<b>0.24</b>
<b>Grand Total</b>							<b>0.32</b>

*Specific recommendation of the 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: 11 /01/2023

Place: Nagpur

**Proposal for diversion of 0.32 ha. forest land under section-2 of the Forest conservation) Act, 1980 for laying of underground private pipeline & electric line for agriculture water supply of Village Mozari Kd. Tal. Barshitakli Dist. Akola in favour of Madhukar Shewala Rathod & Other 9 Farmers i) Mohan Sahadevrao Bhalerao ii) Pawan Pundlik Tawade iii) Janrao Sitaram Sawake iv) Sau. Nanda Dinkar Tawade v) Dilip Bhagwan Bramhankar vi) Atul Sheshrao Jadhav vii) Mohan Raoji Rathod viii) Shriam Narayan Kore ix) Ramdas Vasudev Kore in the State of Maharashtra.**  
(FP/MH/Others/25551/2017)

**Specific Recommendation of Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State with regards to acceptance or otherwise of the proposal supported by reasons.**

The proposal is for proposal diversion of 0.32 ha. forest land under section-2 of the Forest (Conservation) Act, 1980 for laying of underground private pipeline & electric line for agricultural water supply purposes for forest land Gut No.23,24,25 Comptt.No.397 at Village Mozari Kd, Tal. Barshitakli Dist. Akola in favour of Madhukar Shewala Rathod & Other 9 Farmers i) Mohan Sahadevrao Bhalerao ii) Pawan Pundlik Tawade iii) Janrao Sitaram Sawake iv) Sau.Nanda Dinkar Tawade v) Dilip Bhagwan Bramhankar vi) Atul Sheshrao Jadhav vii) Mohan Raoji Rathod viii) Shriam Narayan Kore ix) Ramdas Vasudev Kore in the State of Maharashtra.

**2.00 The details of the forest land proposed for diversion are as under:-**

Item work purpose	Name of Village	Taluka	District	Compt . No.	Gut/Su r. No.	Length x width (mtr)	Area (In ha.)	Legal Status
Laying of the underground private pipeline for agricultural purpose.	Mozari Kd.	Barshitakli	Akola	397	25	30 x 1	0.003	Reserved Forest
				397	24	120 x 1	0.013	
				397	23	650 x 1	0.065	
<b>Total pipeline</b>							<b>0.08</b>	
Laying of the underground Electric line	Mozari Kd.	Barshitakli	Akola	397	25	30 x 3	0.009	Reserved Forest
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the pipeline eclectic lines also have to erect which does not need other rout. The area for laying pipeline and erection of electric poles is need only 0.32 ha. The proposed project does not involve non-forest areas. The site inspection report of the Deputy Conservator of Forests, Akola Forest Division, Akola is enclosed on page no.29.

**4.00** This Project is proposed to give irrigation benefits of agricultural land will improve agriculture production. This will produce employment for the local people, reduce migration and escalate the financial status of farmers.

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- 5.3 There is no cutting & felling of trees involved in the implementation of the Project.
- 5.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 5.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 5.6 There is no violation of Forest (Conservation) Act, 1980.
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**'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 certified that 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 alongwith Stage-I compliance.

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**8.00 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:-**

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**8.4 NPV:-**

- a) The State Government shall charge the Net Present Value (NPV) for the 0.32 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.



- 8.5 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.
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- 8.8 The pipeline shall be laid down 1.5 meter below the ground and after laying down of pipeline the ground will be leveled.
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- 8.10 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
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(Y.L.P.Rao)

**Principal Chief Conservator of Forests,  
(Head of Forest Force),  
Maharashtra State, Nagpur**