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Laying of underground water pipeline for industrial use and drinking purpose of Essar Steel India Ltd, Sanaswadi in Reserved Forest Gut No 152 to 155 at Village-Koregaon Bhima-Dingrajwadi, Tal-Shirur, Distt-Pune

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 diversion of 0.1305 ha Reserved forest land for laying of underground water pipeline for industrial use and drinking purpose of Essar Steel India Ltd, Sanaswadi passing from Forest Gut No 152 to 155 at Village-Koregaon Bhima-Dingrajwadi, Tal-Shirur, Distt-Pune in the State of Maharashtra. Total 0.3015 ha Non forest area is involved in the project. The details of Forest land proposed for diversion is as under :-

Name of Component	Name of Village	Forest Land Required					Legal Status
		Forest Survey No	Gut No	Length x Width	Area in Sqm	Area in Ha.	
Construction of laying underground water pipeline	Koregaon Bhima / Dingrajwadi Tal. Shirur Dist-Pune	256, 247, 248, 255,	152, 153, 154, 155	870 x 1.5	1305	0.1305	Reserved Forest
Total area to be required for the Project					1305	0.1305	

2. The project has been initiated by The Deputy General Manager, Essar Steel India Ltd. At. Sanaswadi Ta. Shirur Dits. Pune

2.1 The User Agency highlighted that The Essar Steel India Ltd has set up a plant in its own premises in the year 1988-89 at village- Sanaswadi. The Village Sanaswadi, Tal Shirur has not permanent water source available for drinking water as well as industrial use. To meet the requirement of water we had laid down pipeline through Gut No 152 to 155.

2.2 At that time the said Gut Nos were under the ownership of Revenue Department. In the year 1999 the Forest Department has taken the possession of said Gut Nos and instruct us to remove the said water pipeline. They have no alternate area to lay down pipeline. Incase water supply is stopped their plant will be closed. Water pipeline which has already been laid down and utilized by their company is needed to be regularized, therefore the User Agency has submitted the proposal for diversion of 0.1305 ha Reserved Forest land under Section 2(ii) of the Forest (Conservation) Act, 1980.

3. The company has lodged the W.P No 11426/2016, wherein Hon'ble High Court Mumbai vide dated 20/10/2016 directed to submit the proposal to the Central Govt through proper channel. The User Agency has submitted the proposal on 15/07/2016. Govt of Maharashtra vide circular No FLD-2015/CN-192/F-10 dated 23/02/2016 issued directives not to submit the proposal unless the compliance of FRA-2006. Now GOI vide guidelines dated 26/02/2019 directed to submit the compliance of FRA-2006 alongwith compliance of conditions of In-principal approval. Therefore The Chief Conservator of Forests (T) Pune vide letter No Desk-1/Land/FCA-228/2019-20/23 dated 27/05/2019 has submitted the proposal alongwith following documents :-

3.1 Deputy Conservator of Forests , Junnar has certified that :-

3.1.1 There is no option to examine other alternative non Forest Land because the construction of laying underground water pipeline is completed before 25 years ago for Essar Steel India Ltd, Company plant at Sanaswadi, over area 0.1305 ha. and Required forest land is barest minimum.

3.1.2 Deputy Conservator of Forests, Junnar certified that the Provisions of Forest (Conservation) Act 1980 and guidelines under it has been violated by the user agency.

Project Authority has already completed the work before 25 years ago when the land is under controlled of Revenue Department, Forest Department took possession of this land in 1999. Therefore to regularized pipeline, proposal is submitted to take necessary clearance from Competent Authority. (Date of work Start – 1992, Date of work Stop -1992)

3.1.3 The proposed water pipeline construction work is already completed before 25 years ago, which is disconnect as on 22.08.2016. Therefore to regularized the pipeline proposal submitted for clearance. The constructed area of the project is barest minimum.

3.1.4 Forest area involved in project is not included of any National Park, Wildlife Sanctuary and the Nature Reserve.

3.1.5 Proposed project is beyond 80 kms from National Park/Sanctuary.

3.1.6 There is no cutting and felling of trees is involved in the project due to underground pipeline already constructed in the year 1992.

3.1.7 The forest area involved in the project belongs to Eco Class – III ,Open forest. Density below 0.4

3.1.8 1.00 ha degraded forest land of Gut No 155 at Village-Koregaon Bhima, Tal-Shirur, Distt-Pune identified for compensatory afforestation and it is contagious suitable for afforestation and management purpose also it is free from encroachment and an encumbrance.

3.1.9 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

3.1.10 Deputy Conservator of Forests , Junnar has submitted the Site Inspection Report dated 26/08/2016.

3.1.11 The non forest land involved in the project are not under provisions 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 the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.

3.1.12 The User Agency has not submitted the compliance of FRA-2006 .

3.2 The user agency has submitted the following undertakings :-

3.2.1 To defray the cost of Net Present Value of the forest land proposed for diversion.

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3.2.2 To defray the cost as determined by the forest Department of compensatory afforestation.

P/29,72

3.2.3 Agree to defray the cost as determined by the Forest Department on account of violation of the water pipeline.

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4. The Deputy Conservator of Forests, Junnar recommended the proposal for approval.

P/12-13

5. The Chief Conservator of Forests (T) Pune recommended the proposal on following condition :-

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Recommended, but considering that the company had willfully violated the provision and went to court against the correct stand of Forest Department. The company should

- i) Pay penalty equivalent to 2 times the NPV.
- ii) Should raise 25 ha of irrigated plantation under CSR through tripartite agreement

6. In view of this, the proposal is recommended for in-principle approval under section 2(ii) of the Forest (Conservation) Act 1980 subject to the following conditions :-

- 6.1 The legal status of the land required will remain unchanged.
- 6.2 Compensatory afforestation will be raised at the cost of the user agency on 1.00 ha degraded forest land of Gut No 155 at Village-Koregaon Bhima, Tal-Shirur, Dstt-Pune. As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on degraded forest land identified for compensatory afforestation.
- 6.3 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 User Agency. The CA scheme will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years
- 6.4 The user agency will defray the cost of Net Present Value of 0.1305ha. of forest land as per latest guidelines of Government of India.
- 6.5 The user agency will defray the additional/ revised cost of Net Present Value as per latest guidelines of Government of India.
- 6.6 For violation of FCA, 1980 as penalty, the user agency will defray the cost equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto (5) five times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory number 11-42/2017-FC, dated 29/01/2018 and para 1.21(ii) (a) of the guidelines.

(5 Times penalty of NPV = $0.1305 \times 626000 \times 5 = 4,08,465/-$) + (12 % interest till 2020 since 1992 = $(49016/- \times 23 \text{ years} = 11,27,368/-$ Total amount = $4,08,465/- + 11,27,368/- = 15,35,833/-$).
- 6.7 The complete compliance of the FRA-2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 6.8 The user agency will obtain Environmental Clearance from competent authority, if required.
- 6.9 The layout of the proposal shall not be changed without prior approval of Central Government

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- 6.10 No labour camp shall be established on the forest land.
- 6.11 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 6.12 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.
- 6.13 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 6.14 The forest land shall not be used for any purpose other than specified in the project proposal;
- 6.15 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt of India.
- 6.16 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.
- 6.17 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.

(Dr. N. Rambabu)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

[Signature]
06/12/2020

[Signature]
06/02/2021

PART -IV

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.:- The Deputy General Manager, Essar Steel India Ltd. at Sanaswadi Ta. Shirur Distt- Pune has submitted the proposal for diversion of 0.1305 ha forest land for laying of underground water pipeline for industrial use and drinking purpose of Essar Steel India Ltd, Sanaswadi passing from Forest Gut No 152 to 155 at Village-Koregaon Bhima-Dingrajwadi, Tal-Shirur, Distt-Pune in the State of Maharashtra under Section - 2 of the Forest (Conservation) Act, 1980. The details of the forest land proposed for diversion is as under :-

Name of Component	Name of Village	Forest Land Required					Legal Status
		Forest Survey No	Gut No	Length x Width	Area in Sqm	Area in Ha.	
Construction of laying underground water pipeline	Koregaon Bhima / Dingrajwadi Tal. Shirur Dist-Pune	256, 247, 248, 255,	152, 153, 154, 155	870 x 1.5	1305	0.1305	Reserved Forest
Total area to be required for the Project					1305	0.1305	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 19A.

Date : 18 /03/2020
Place : Nagpur

(Sanjeev Gaur)
Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur

Sanjeev
16/03



Certified by ISO
9001:2015

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

**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) 2556916, Fax no. (0712) 2550675

E-mail- apccfnodal@mahaforest.gov.in Website: www.mahaforest.gov.in

Sub.:- Diversion of 0.1305 ha. forest land for laying of Underground water pipeline for industrial use and drinking purpose of Essar Steel India Ltd, Sanaswadi in Reserved Forest Gut No 152 to 155 at Village-Koregaon Bhima-Dingrajwadi, Tal-Shirur, Distt-Pune in the State of Maharashtra.

No. : Desk-17/NC/II/ID 12740/(19)/ 26 /2019-20

Nagpur – 440 001, Dated: 15/05/2020

To,

The Additional Chief Secretary (Forests),
Revenue & Forest Department
Mantralaya Mumbai -32

Ref:- Chief Conservator of Forests (T) Pune letter No Desk-1/Land/FCA-228/2019-20/23 dated 27/05/2019 and letter No Desk-4/4(2)/Land/FCA-228/2019-20/120 dated 28/11/2019.

The proposal is for diversion of 0.1305 ha Reserved forest land for laying of underground water pipeline for industrial use and drinking purpose of Essar Steel India Ltd, Sanaswadi passing from Forest Gut No 152 to 155 at Village-Koregaon Bhima-Dingrajwadi, Tal-Shirur, Distt-Pune in the State of Maharashtra. Total 0.3015 ha Non forest area is involved in the project. The details of Forest land proposed for diversion is as under :-

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Total area to be required for the Project					1305	0.1305	

2. The project has been initiated by The Deputy General Manager, Essar Steel India Ltd. at Sanaswadi Ta. Shirur, Distt- Pune

2.1 The User Agency highlighted that The Essar Steel India Ltd has set up a plant in its own premises in the year 1988-89 at village- Sanaswadi. The Village Sanaswadi, Tal Shirur has not permanent water source available for drinking water as well as industrial use. To meet the requirement of water we had laid down pipeline through Gut No 152 to 155.

2.2 At that time the said Gut Nos were under the ownership of Revenue Department. In the year 1999 the Forest Department has taken the possession of said Gut Nos and instructed the User Agency to remove the said water pipeline. Incase water supply is stopped the User Agency shall be

Noted
26/5/20
3/6/2020

compelled to shut down the plant . Water pipeline which has already been laid down and utilized by the User Agency is needed to be regularized , therefore it has submitted the proposal for diversion of 0.1305 ha Reserved Forest land under Section 2(ii) of the Forest (Conservation) Act, 1980.

3. The User Agency filed the W.P No 11426/2016, wherein Hon'ble High Court Mumbai vide dated 20/10/2016 directed to submit the proposal to the Central Govt through proper channel. The User Agency has submitted the proposal on 15/07/2016. Govt of Maharashtra vide circular No FLD-2015/CN-192/F-10 dated 23/02/2016 issued directives not to submit the proposal unless the compliance of FRA-2006. Now GOI vide guidelines dated 26/02/2019 directed to submit the compliance of FRA-2006 alongwith compliance of conditions of In-principal approval. Therefore The Chief Conservator of Forests (T) Pune vide letter No Desk-1/Land/FCA-228/2019-20/23 dated 27/05/2019 has submitted the proposal alongwith following documents :-

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Project Authority has already completed the work before 25 years ago when the land is under controlled of Revenue Department, Forest Department took possession of this land in 1999. Therefore to regularize pipeline, proposal is submitted to take necessary clearance from Competent Authority. (Date of work Start – 1992, Date of work Stop -1992)

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3.1.9 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

3.1.10 Deputy Conservator of Forests , Junnar has submitted the Site Inspection Report dated 26/08/2016.

3.1.11 The non forest land involved in the project are not under provisions of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of section 35 of Indian

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Forest Act 1927 and are not recognized as deemed Reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.

3.1.12 The User Agency has not submitted the compliance of FRA-2006 .

3.2 **The user agency has submitted the following undertakings :-**

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4. The Deputy Conservator of Forests, Junnar recommended the proposal for approval.

5. The Chief Conservator of Forests (T) Pune recommended the proposal on following condition :-

Recommended, but considering that the company had willfully violated the provision and went to court against the correct stand of Forest Department. The company should

iii) Pay penalty equivalent to 2 times the NPV.

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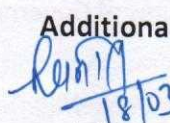
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- 6.14 The forest land shall not be used for any purpose other than specified in the project proposal;
- 6.15 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt of India.
- 6.16 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.
- 6.17 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.

7. It is therefore requested that the Government of Maharashtra may kindly be moved to approve the diversion of 0.1305 ha. forest land in favour of Deputy General Manager, Essar Steel India Ltd. at Sanaswadi Ta. Shirur Distt- Pune for laying of underground water pipeline for industrial use and drinking purpose of Essar Steel India Ltd, Sanaswadi passing from Forest Gut No 152 to 155 at Village-Koregaon Bhima-Dingrajwadi, Tal-Shirur, Distt-Pune in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encls : As above

(2 set of Proposals)


(Sanjeev Gaur)
Additional Principal Chief Conservator of Forests
& Nodal Officer

18/03

Copy forwarded to Chief Conservator of Forests (T) , Pune for information.

Copy forwarded to Deputy Conservator of Forests , Junnar for information.

Copy forwarded to Deputy General Manager, Essar Steel India Ltd. Gut No 740 , Pune Nagar Road at Sanaswadi Ta. Shirur Distt- Pune -412208 for information