

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.:- M/s Gujarat Gas Limited, 301-304, 3rd floor, IT Tower-1, Infocity, Gandhinagar submitted the proposal for laying of 6" dia steel pipeline to supply natural gas pipeline in Tal- Wada and its surrounding areas to provide natural gas to enroute industries/consumers in Palghar district of Maharashtra for which 0.1921 ha. forest land required under Section 2 (ii) of the Forest (Conservation) Act 1980 has been proposed by the User Agency. The details of Forest land proposed for diversion is as under :-

Ser No	Name of Village	Taluka	District	Forest Survey No	Area	Legal Status
1.	Ghonsai	Wada	Palghar	29	0.0172	Protected Forest
2.	Vadvali			79	0.0119	Protected Forest
3.	Kudus			243	0.0296	Protected Forest
4.	Kharivali			306	0.0013	Acquired Forest
5.	Kharivali			304	0.0155	Reserved Forest (FDCM)
6.	Khupari			229	0.0410	Reserved Forest (FDCM)
7.	Khupari			179	0.0145	Protected Forest
8.	Nehroli			161	0.0170	Protected Forest
9.	Gates			97	0.0301	Protected Forest
	Budrukh					
10	Kone			89	0.0140	Protected Forest
				Total	0.1921	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 12(B)

Date : 3 /12/2018
Place : Nagpur


(G Sai Prakash)
Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur



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 0.1921 ha. of Forest land for for laying of 6" dia steel pipeline to supply natural gas pipeline in Tal- Wada and its surrounding areas to provide natural gas to enroute industries/consumers in Palghar district of Maharashtra.

No. : Desk-17/NC/II/ID 12612/(63)/17/3/2018-19
Nagpur – 440 001, Dated: 03/12/2018

To ,

The Secretary (Forests),
Revenue and Forests Department,
Mantralaya, Mumbai-32

Ref:- CCF (T) Thane letter No. Desk-10/FCA/CR-06/18-19/OW-37/18-19 dated 13/04/2018

The project has been initiated by M/s Gujarat Gas Limited, 301-304, 3rd floor, IT Tower-1, Infocity, Gandhinagar for laying of 6" dia steel pipeline to supply natural gas pipeline in Tal- Wada and its surrounding areas to provide natural gas to enroute industries/consumers in Palghar district of Maharashtra. The total non forest area involved in the proposal is 0.9346 ha. The detailed forest area statement is as under :-

Ser No	Name of Village	Taluka	District	Forest Survey No	Area	Legal Status
1.	Ghonsai	Wada	Palghar	29	0.0172	Protected Forest
2.	Vadvali			79	0.0119	Protected Forest
3.	Kudus			243	0.0296	Protected Forest
4.	Kharivali			306	0.0013	Acquired Forest
5.	Kharivali			304	0.0155	Reserved Forest (FDCM)
6.	Khupari			229	0.0410	Reserved Forest (FDCM)
7.	Khupari			179	0.0145	Protected Forest
8.	Nehroli			161	0.0170	Protected Forest
9.	Gates Budrukh			97	0.0301	Protected Forest
10	Kone			89	0.0140	Protected Forest
Total					0.1921	

The Petroleum and Natural Gas Regulatory Board, New Delhi has granted authorization to M/s Gujarat Gas Company Limited, 2 Shantisadan Society, Near Paimal Garden, Ellisbridge, Ahmedabad for laying, building, operating or expanding the city or local Natural Gas distribution Networks in Thane District (Maharashtra) excluding areas already authorized on 01/04/2015.

The Government of Maharashtra made a MOU with Gujarat Gas Limited during the Maharashtra investment seminar held at the Make in India week on 13-18 Feb 2016 in Mumbai to setup city gas distribution (CGD) projects (Piped natural gas for domestic/commercial/industrial-SMEs usages and CNG for transport sector) in Thane & Palghar District (excluding already authorized) in the state of Maharashtra to facilitate and to obtain necessary permissions/registrations/approvals/clearances/fiscal incentives etc from the concerned departments of the state, as per the existing policies/rules and regulations of the Government of Maharashtra.

The route has been carefully selected to minimize total length of the pipeline and forest base. The Right of Use (RoU) for forest area is proposed as minimum of 0.5 mtr width. The pipe line will be laid at minimum 1.5 mtr below the ground level, as per the requirement of the authority.

The pipeline will be laid within road ROW of State Highway between Km. 43/300 to 65/833 of the Wada-Bhiwandi Road (S.H.-76). Project authority has submitted the copy of agreement dated 16/03/2018 made between project authority and Public Works Department.

The pipe line is passing through Reserved/Protected/Acquired Forest land (length is 1921 sq mt) for which 0.1921 ha forest land required for laying of natural gas pipeline in Wada Taluka and surrounding area of Palghar district. Therefore project authority has submitted the proposal for diversion of 0.1921 ha. forest land under section 2 (ii) of the Forest (Conservation) Act, 1980.

The proposal has been submitted by CCF (T), Thane vide letter Desk-10/FCA/CR-06/18-19/OW-37/18-19 dated 13/04/2018 alongwith following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 as well as per Government of India's instructions issued from time to time :-

- 1) The Deputy Conservator of Forests, Jawhar has certified that all other alternatives have been explored and the demand for the required forest land is the barest minimum demand.
- 2) The Deputy Conservator of Forests, Jawhar has certified that no suitable alternate non forest land is available for the proposal for laying natural gas pipeline and demand for the forest land is minimum.
- 3) Deputy Conservator of Forests, Jawhar has certified that there is no violation of Forest (Conservation) Act, 1980 or its guidelines.
- 4) The Deputy Conservator of Forests, Jawhar has certified that 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.

- 5) The Deputy Conservator of Forests, Jawhar has certified that 1.00 ha area of degraded forest land of Compt No 153 of village Mandwa, Tal-Wada, Distt-Palghar is suitable for compensatory afforestation and management purpose and it is free from encroachment and an encumbrances.
- 6) The Deputy Conservator of Forests, Jawhar has certified that proposed site is not likely to affect any monuments site of cultural, historical, religious archeological or recreational importance .
- 7) The Deputy Conservator of Forests, Jawhar has certified that the proposed project is not included in the area of any National Park/Wildlife Sanctuary or Nature reserve.
- 8) The Deputy Conservator of Forests, Jawhar has certified that area proposed of villages namely Ghonsai, Vadavali, Kudus, Kharivali, Khupari , Nehroli, Gatesh Budruk, Kone Tal-Wada, District Palghar is within the 10 kms (Approximately 6 to 10 Kms) from Tansa Wild Life Sanctuary. Also these villages are part of the draft Eco-Sensitive Zone notification of above sanctuary.
- 9) The Deputy Conservator of Forests, Jawhar has certified that the project area belongs to Eco-Value class I, Dense Forest (density 0.4.)
- 10) The Deputy Conservator of Forests, Jawhar has certified that Trimming, lopping and cutting of trees/its branches involved in diversion of 0.1921ha.
- 11) The Deputy Conservator of Forests, Jawhar has certified that the alternatives have been examined as detailed and have come to conclusion that the alternative No 1 is the most suitable from forestry point of view.
- 12) Deputy Conservator of Forests, Jawhar certified that the forest area proposed for laying of pipeline are along with the road and forms part of the ROW .
- 13) Deputy Conservator of Forests ,Jawhar has submitted the site Inspection report dated 04/07/2018 and mentioned that this project area falls in Tansa wildlife Sanctuary Eco-Sensitive zone.
- 14) The Managing Director, FDCM Ltd, Nagpur vide letter dated 01/10/2018 intimated no objection , subject to user agency should submit the undertaking not to loss the trees of said area. And also intimated to recover the NPV and transfer the same to FDCM Ltd.
- 15) The user agency has submitted an undertaking to defray the cost of Compensatory afforestation .
- 16) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.
- 17) The user agency has submitted an undertaking to bear the cost of exploitation of felling trees and their allied works under project.
- 18) The user agency has submitted an undertaking stating that the project cost is

less than Rs. 100 crores, hence Environment clearance is not required.

- 19) The user agency has submitted an undertaking stating that the project area is within 10 Kms from the boundary of protected area, therefore, separate proposal submitted for wildlife clearance.
- 20) The user agency **has submitted** the partly compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006.
 - 1) FRA -2006 certificate required for an area 0.1921 ha., however District Collector Palghar issued FRA-2006 certificate dated 07/07/2018 for 0.146 ha.
 - 2) District Collector Palghar vide letter dated 05/07/2018 intimated that the Survey No 29 of vill-Ghonsai, Survey No 79 of vill-Vadvali and Survey No 161 of vill-Nehruli falls under private land , not in forest land . Hence FRA certificate for the said land cannot issued.
- 21) The user agency has submitted the undertaking that pipeline will be laid within road ROW only and permission has been obtained from Executive Engineer PWD, Palghar, therefore no any private land comes under pipeline route.
- 22) The Deputy Conservator of Forests, Jawhar has recommended the proposal for approval.
- 23) Chief Conservator of Forests (T), Thane has recommended the proposal for approval.

2) On scrutiny of the proposal following discrepancies are observed

- a) The user agency has not fulfilled the compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Right) Act 2006. Total area proposed for diversion is 0.1921ha., user agency has submitted the FRA-2006 certificate for 0.146 ha. vide District Collector Palghar certificate dated 07/07/2018. instead of 0.1921 ha.
- b) District Collector Palghar vide letter No FRA/Ka.vi/302/18 dated 05/07/2018 intimated that Survey No 29 of vill-Ghonsai, area 0.0172ha, Survey No 79 of vill-Vadvali area 0.0119ha. and Survey No 161 of vill-Nehruli area 0.0301ha. falls under private land , not in forest land . Hence FRA certificate for the said land cannot issued.
- c) On enquiry, Deputy Conservator of forests, Jawhar vide letter dated 06/10/2018 intimated that Survey No 29 of vill-Ghonsai, Survey No 79 of vill-Vadvali and Survey No 161 of vill-Nehruli is a protected forest which has been transferred to Revenue Department. Further Revenue Department allotted the said land to landless people. Hence in 7/12 name of allottees has been mentioned as Bhogawatdar. The said land has not been disforested, hence legal status of the land is still Protected Forest.

- d) User agency has not submitted the administrative approval of Govt of Maharashtra for the said project.
- e) User agency has not submitted the No Objection Certificate from FDCM, Ltd.

In view of this, the proposal is recommended for approval under section 2(ii) subject the following conditions :-


- i) The legal status of the land required will remain unchanged.
- ii) The forest land shall not be used for any purposes other than specified in the project.
- iii) Compensatory afforestation will be raised at the cost of the project authority over 1.00 ha forest land at Compt No 153 of village Mandwa, Tal-Wada, Distt-Palghar. 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
- iv) The project authority will defray the cost of Net Present Value of 0.1921 ha. of forest land as per latest guidelines of Government of India.
- v) The project authority will defray the additional / revised cost of Net Present Value of forest land as per the latest guidelines of Government of India.
- vi) The user agency will fulfill the complete compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 before in-principle approval.
- vii) The user agency shall follow the conditions mentioned in the agreement made with Public Works Department for laying of natural gas pipeline within Road RoW
- viii) The user agency will obtain Environmental Clearance from competent authority, if required.
- ix) The proposed area is falls within 10 Kms from the boundary of proposed Eco Sensitive zone of Tansa Wild life Sanctuary. Hence project authority has to obtain approval from National Board of Wild Life (NBWL) , MoEF & CC , New Delhi as per GOI guidelines dated 19/12/2012
- x) The natural gas pipe line will be laid well below as per norms the ground level all along its length through forest and adequate safety measures to be adopted.
- xi) The user agency will make good the land after laying underground natural gas pipeline
- xii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xiii) It will be the responsibility of the project authority to ensure that the


labourers, staffs engaged in construction activity do not damages nearby forest flora and fauna.

- xiv) The user agency should obtain the NOC from FDCM, Ltd.
- xv) All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.
- xvi) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.

It is therefore requested that the Government of Maharashtra may kindly be moved to approve diversion of 0.1921 ha. Forest Land in favour of M/s Gujarat Gas Limited, 301-304, 3rd floor, IT Tower-1, Infocity, Gandhinagar for laying of 6" dia steel pipeline to supply natural gas pipeline in Tal- Wada and its surrounding areas to provide natural gas to enroute industries/consumers in Palghar district of Maharastra under section 2(ii) of the Forest (Conservation) Act, 1980.

Encls : As above


(G Sai Prakash))
Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur


3/12/18

Copy to Chief Conservator of Forests (T) Thane.

Copy to Deputy Conservator of Forests , Jawhar

Copy to M/s Gujarat Gas Limited, 301-304, 3rd floor, IT Tower-1, Infocity, Gandhinagar.