

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST  
FORCE), MAHARASHTRA STATE, NAGPUR**  
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**Sub:-** Proposal for diversion of 0.018 ha. Unclassed forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Kulupwadi Road connecting Western Express Highway, Borivali (East), Mumbai Municipal Corporation of Greater Mumbai in the State of Maharashtra (FP/MH/ROAD/37039/2018)

No.: Desk-17/Nodal/Thane/ID-13173(78)/200/2022-23  
Nagpur – 440 001, Dated :- 20/04/2023

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

The Executive Engineer (DP), P & R Ward, Municipal Corporation Greater Mumbai has submitted Proposal for diversion of 0.018 ha. Unclassed forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Kulupwadi Road connecting Western Express Highway, Borivali (East), Mumbai Municipal Corporation of Greater Mumbai in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr. No	Item work purpose	District	Name of Village	Survey/ Gut No.	Length & Width	Area (in ha.)	Legal Status
1	widening of existing Kulupwadi Road connecting Western Express Highway, Borivali (East), Mumbai Municipal Corporation of Greater Mumbai	Mumbai Suburban	Kanheri	CTS No.537(pt)	20.00 x 9.00	0.018	Unclassed Forest
Total Forest Land (in ha.)						0.018	

The said road is 18.30 mtr. D.P.Road i.e. Kulupwadi Road is running from Western Express Highway junction to Horizon Green Society and having near about 40 housing societies, 2 corporate offices and 2 no. of schools exists in the locality. The land under reference having CTS No.537 is situated at the junction of the Western Express Highway and the existing road which is known as Kulupwadi Road. MCGM has sanctioned road line of 18.30 mts wide for this road. At this junction, a bottleneck is created due to existing bungalow structures of forest department creating a blind turn while negotiating and therefore causing a great hardship and hurdle to the vehicular traffic of local users, public transport and private school buses during peak hours.

3.00 Following 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 are enclosed in two copies.

3.1 Prescribed form dated 10/01/2003.

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

3.3 Area Statement,

3.4 Index map in suitable scale

- 4) Copy of the Administrative approval accorded by the Executive Engineer (Roads), Z VII dated 21/11/2022 is enclosed on file page No.43
- 5) Copy of the Administrative approval accorded by the Dy. Chief Engineer (Roads) W.A dated 18/01/2023 is enclosed on file page No.14
- 6) The cross section map is enclosed herewith on page no.59
- 7) The total non forest involved in project is 12.294 ha.
- 8) The site inspection report of the Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali is enclosed on page no.17 to 21
- 9) No alternate alignment is possible and the forest land required is lowest minimum.
- 10) The area belongs to Eco-value class-I having density is below 0.1.
- 11) There are 12 trees of various species and trees involved in implementation of the project. The Girth wise break up is as under:-

Tree Girth in Cm.									Total
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 above	
0	1	4	0	2	3	2	0	0	12

- 12) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 13) There is no violation of Forest (Conservation) Act, 1980.
- 14) Proposed project is within 10.00 Km of the protected area of Sanjay Gandhi National Park.
- 15) 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.
- 16) The proposed project is State Government's Critical Public Utility & Welfare Project. The project involves forest land to the extent of 0.018 ha. which is less than 1.00 ha..

As per para 2.6 (1) (b) & (e) of the handbook of FCA, 1980 & FCA, 2003 (Guidelines & Clarification), no compensatory afforestation is to be insisted upon.

- 17) There is no alternative alignment possible as this is widening of existing road.
- 18) The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 19) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 20) The User Agency has submitted the Certificate of Collector, Raigad under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued vide letter No.C/Desk-21/FRA/WS-69/2019, dated 6/11/2020 in prescribed format (Form-1) as per Government of India latest guidelines dated 5/7/2013.
- 21) The Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali has recommended the said proposals subject to compliances of the following conditions:-
  - Getting prior permission of monitoring committee of ESZ of Sanjay Gandhi National Park before commencement of the road works in the project area.
  - Construction of cement concrete wall with barbed wire fencing on top of it (as per specifications given by SGNP Authorities) along the boundary of the Sanjay Gandhi National Park parallel to Western Express Highway from Kulupwadi Junction to Dahisar River.
  - Construction of cement concrete wall with barbed wire fencing on top of it (as per specifications given by SGNP Authorities) along the boundary of the Sanjay Gandhi National Park from Dharkhadi to Rongte Khadan (1680 Mtr)
  - Construction of 6 Type-II staff quarter building for field staff of SGNP as per the design and dimensions provided by the SGNP Authorities.
- 22) The Additional Principal Chief Conservator of Forests (Wildlife), West Mumbai has recommended the proposal for diversion of 0.018ha. Unclassed Forest.

**2.00 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: –**

- 2.1 The legal status of the forest land required will remain unchanged.
- 2.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 2.3 The proposed project is State Government's Critical Public Utility & Welfare Project. The project involves forest land to the extent of 0.018 ha. which is less than 1.00 ha.. As per para 2.6 (1) (b) & (e) of the handbook of FCA, 1980 & FCA, 2003 (Guidelines & Clarification), no compensatory afforestation is to be insisted upon.

2.4 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 provision for anticipated cost increase for works scheduled for subsequent years.

**2.5 NPV:-**

- a) The State Government shall charge the Net Present Value (NPV) for the 0.018 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 and File No.5-3/2011-FC (Vol-I), dated 06/01/2022 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.
- 2.6 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.
- 2.7 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/>).
- 2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 2.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 2.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 2.11 It Shall be mandatory to provide underpass for safe crossing of wild animals:-
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
  - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
  - (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
  - (d) Interval between such underpasses shall not be more than 2.00 km
- 2.12 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.



- 2.13 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 2.14 The layout plan of the proposal shall not be changed without prior approval of Central Government
- 2.15 No labour camp shall be established on the forest land
- 2.16 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 2.17 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.
- 2.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.19 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 2.20 The forest land shall not be used for any purpose other than that specified in the project proposal
- 2.21 The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Government of India.
- 2.22 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.
- 2.23 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.
- 2.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

3.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for diversion of 0.018 ha. Unclassed forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Kulupwadi Road connecting Western Express Highway, Borivali (East), Mumbai Municipal Corporation of Greater Mumbai in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

(Naresh Zurmure)  
Addl. Principal Chief Conservator of Forests  
& Nodal Officer

- Copy to the Additional Principal Chief Conservator of Forests (Wildlife), West Mumbai for information.
- Copy to the Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali for formation.
- Copy to the Executive Engineer (DP), P & R Ward, Municipal Corporation Greater Mumbai for information.

**PART -IV**

**(To be filled by 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.:- Proposal for diversion of 0.018 ha. Unclassed forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Kulupwadi Road connecting Western Express Highway, Borivali (East), Mumbai Municipal Corporation of Greater Mumbai in the State of Maharashtra (FP/MH/ROAD/37039/2018). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Name of Village	Survey/ Gut No.	Length & Width	Area (in ha.)	Legal Status
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Total Forest Land (in ha.)						0.018	

*Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.*

*Naresh Zurmure*  
20/4/23

**(Naresh Zurmure)  
Additional Principal Chief Conservator of Forests  
& Nodal Officer**

Date: 20/04/2023  
Place: Nagpur

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**Proposal for diversion of 0.018 ha. Unclassed forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Kulupwadi Road connecting Western Express Highway, Borivali (East), Mumbai Municipal Corporation of Greater Mumbai in the State of Maharashtra (FP/MH/ROAD/37039/2018)**

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

The proposal for diversion of 0.018 ha. Unclassed forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Kulupwadi Road connecting Western Express Highway, Borivali (East), Mumbai Municipal Corporation of Greater Mumbai in the State of Maharashtra (FP/MH/ROAD/37039/2018) has been initiated by the Executive Engineer (DP), P & R Ward, Municipal Corporation Greater Mumbai for seeking approval under Forest (Conservation) Act, 1980.

2) The said road is 18.30 mtr. D.P.Road i.e. Kulupwadi Road is running from Western Express Highway junction to Horizon Green Society and having near about 40 housing societies, 2 corporate offices and 2 no. of schools exists in the locality. The land under reference having CTS No.537 is situated at the junction of the Western Express Highway and the existing road which is known as Kulupwadi Road. MCGM has sanctioned road line of 18.30 mts wide for this road. At this junction, a bottleneck is created due to existing bungalow structures of forest department creating a blind turn while negotiating and therefore causing a great hardship and hurdle to the vehicular traffic of local users, public transport and private school buses during peak hours.

3) The details of the forest land proposed for diversion are as under:-

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- 7) The total non forest involved in project is 12.294 ha.

- 8) The site inspection report of the Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali is enclosed on page no.17 to 21
- 9) No alternate alignment is possible and the forest land required is lowest minimum. p/37
- 10) The area belongs to Eco-value class-I having density is below 0.1. p/45
- 11) There are 12 trees of various species and trees involved in implementation of the project. The Girth wise break up is as under:- p/42 848

Tree Girth in Cm.									
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 above	Total
0	1	4	0	2	3	2	0	0	12

- 12) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. p/40
- 13) There is no violation of Forest (Conservation) Act, 1980. p/38
- 14) Proposed project is within 10.00 Km of the protected area of Sanjay Gandhi National Park. p/41
- 15) 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. p/43
- 16) The proposed project is State Government's Critical Public Utility & Welfare Project. The project involves forest land to the extent of 0.018 ha. which is less than 1.00 ha.. As per para 2.6 (1) (b) & (e) of the handbook of FCA, 1980 & FCA, 2003 (Guidelines & Clarification), no compensatory afforestation is to be insisted upon.
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- 18) The User Agency has submitted an undertaking to defray the cost of Net Present Value. p/26
- 19) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation. p/33
- 20) The User Agency has submitted the Certificate of Collector, Raigad under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued vide letter No.C/Desk-21/FRA/WS-69/2019, dated 6/11/2020 in prescribed format (Form-1) as per Government of India latest guidelines dated 5/7/2013. p/52

21) The Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali has recommended the said proposals subject to compliances of the following conditions:-

- Getting prior permission of monitoring committee of ESZ of Sanjay Gandhi National Park before commencement of the road works in the project area.
- Construction of cement concrete wall with barbed wire fencing on top of it (as per specifications given by SGNP Authorities) along the boundary of the Sanjay Gandhi National Park parallel to Western Express Highway from Kulupwadi Junction to Dahisar River.
- Construction of cement concrete wall with barbed wire fencing on top of it (as per specifications given by SGNP Authorities) along the boundary of the Sanjay Gandhi National Park from Dharkhadi to Rongte Khadan (1680 Mtr)
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**2.00 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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**2.5 NPV:-**

- a) The State Government shall charge the Net Present Value (NPV) for the 0.018 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 and File No.5-3/2011-FC (Vol-I), dated 06/01/2022 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.

- 2.6 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.
- 2.7 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/>).
- 2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 2.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 2.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
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  - (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
  - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
  - (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
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- 2.14 The layout plan of the proposal shall not be changed without prior approval of Central Government
- 2.15 No labour camp shall be established on the forest land
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- 2.17 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.
- 2.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.19 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 2.20 The forest land shall not be used for any purpose other than that specified in the project proposal
- 2.21 The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Government of India.

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- 2.22 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.
- 2.23 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.
- 2.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/> )

  
(Dr. Y.L.P Rao)  
**Principal Chief Conservator of Forests**  
**(Head of Forest Force)**  
**Maharashtra State, Nagpur**

*Graced*  
20/04/2021  
DA