

**Proposal for diversion of 0.323 ha. Reserved Forest land for laying of underground Optical Fiber Cable duct and cable within RoW of existing Road passing through at village Medha, Kelghar, Andhari, Kas, Tal. Jaoli (Medha), Dist. Satara in the State of Maharashtra.
(FP/MH/OFC/40042/2019).**

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.

1.0 Proposal is for diversion of 0.323 ha. Reserved Forest land for laying of underground Optical Fiber Cable duct and cable within RoW of existing Road passing through at village Medha, Kelghar, Andhari, Kas, Tal. Jaoli (Medha), Dist. Satara in the State of Maharashtra.(FP/MH/OFC/40042/2019).

2.0 The details of the forest land proposed for diversion are as under:- (P/27)

Sr. No.	Item work purpose	Village	Taluka	Gut No.	Length (Mtr.)	Width (Mtr.)	Area (Ha.)	Legal Status
1	Kudal to Medha MDR-19	Medha	Jaoli	39	500	1	0.050	Reserved Forest
2	MDR-26 to Andhari Kolghar Kusambhi V.R.172	Kolghar	Jaoli	33,34	762	1	0.0762	
3	MDR-26 to Kas	Phalani	Jaoli	107, 143, 144	1000	1	0.100	
		Kas	Jaoli	48,118, 134	968	1	0.0968	
Total Forest land (in ha.)							0.323	

3.00 The proposal has been initiated by the Vice President, JIO information Ltd. (JIO), Erandavne, Pune for seeking approval under Forest (Conservation) Act, 1980. Total non forest involved in the project is 3.677 ha. The site inspection report of the Deputy Conservator of Forests, Satara Forest Division, Satara is enclosed on page no. 42 to 46.

4.00 The Deputy Conservator of Forests, Satara Forest Division, Satara has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is barest minimum (P/53).
- 4.2 the area belongs to Eco-value class-III having density is below 0.7 (dense forest) (P/18)
- 4.3 there are no cutting and felling of trees involved in the project (P/68)
- 4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc (P/62).

- 4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance (P/61).
- 4.6 there is no violation of Forest (Conservation) Act 1980 (P/56).
- 4.7 proposed project is within 10 km from the boundary of the Protected Area, Sahyandri Tiger Reserve (P/69)
- 4.8 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/60).
- 4.9 As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables(OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.
- 5.00 **The User Agency has submitted an undertaking that:-**
- 5.1 to defray the cost of compensatory afforestation (P/54).
- 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion (P/64).
- 5.3 the project is in ROW alongwith the State Highway, hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required (P/87)
- 5.4 Copy of the Power of Attorney on 21/09/2019 (P/129).
- 6.00 The Deputy Conservator of Forests, Satara Forest Division, Satara and Chief Conservator of Forest (T), Kolhapur have recommended the proposal for diversion of 0.323 ha. of forest land. (P/17 to 22)
- 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: –**
- i) The legal status of the land shall remain unchanged.
 - ii) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables(OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.
 - iii) Net Present Value is exempted for laying of underground Optical Fiber Cable as per the Government of India guidelines.
 - iv) The Optical Fiber Cable Line will be laid within maximum size of the trench of 2.00 m depth & 1.0 m width with cable line under the PVC Pipeline.
 - v) The land under project will be reclaimed by the user agency for which the agency shall submit a bank guarantee at the rate of Rs. 50/- per running meter and an undertaking to

that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be recovered from the bank guarantee.

- vi) If the cable is going to be laid in the formation width of the road, then additional charges in form of bank guarantee shall be given at the rate of Rs.35/- per running mtr. Similarly for reclamation of side drain and for tarred portion, the guarantee will be at the rate of Rs. 300/- per mtr. and Rs.750/- per mtr. respectively. An undertaking shall be obtained from the user agency that it has agreed to make good any loss to Forest/ Environment while laying the cable in the forest area and during maintenance of the same in future. For further maintenance of the project, the agency shall obtain permission from the Forest Department as and when required.
- vii) The forest land shall not be used for any purpose other than specified in the proposal.
- viii) No felling of trees shall done during the implementation of project.
- ix) The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- x) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- xi) No labour camps shall be established on the forest land.
- xii) The layout plan of the proposal shall not be changed without prior approval of the Central Government.
- xiii) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xiv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be compiled with by the User Agency.
- xv) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- xvi) The User Agency will make good the land after use/maintenance.


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

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 0.323 ha. Reserved Forest land for laying of underground Optical Fiber Cable duct and cable within RoW of existing Road passing through at village Medha, Kelghar, Andhari, Kas, Tal. Jaoli (Medha), Dist. Satara in the State of Maharashtra. (FP/MH/OFC/40042/2019). The details of land proposed for diversion is as under-

Sr. No.	Item work purpose	Village	Taluka	Gut No.	Length (Mtr.)	Width (Mtr.)	Area (Ha.)	Legal Status
1	Kudal to Medha MDR-19	Medha	Jaoli	39	500	1	0.050	Reserved Forest
2	MDR-26 to Andhari Kolghar Kusambhi V.R.172	Kolghar	Jaoli	33,34	762	1	0.0762	
3	MDR-26 to Kas	Phalani	Jaoli	107, 143, 144	1000	1	0.100	
		Kas	Jaoli	48,118, 134	968	1	0.0968	
Total Forest land (in ha.)							0.323	

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

Date: /02 /2021
Place: Nagpur


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


03/02/2021


3/2/21

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE),
MAHARASHTRA STATE, NAGPUR**

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) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

Sub:- Proposal for diversion of 0.323 ha. Reserved Forest land for laying of underground Optical Fiber Cable duct and cable within RoW of existing Road passing through at village Medha, Kelghar, Andhari, Kas, Tal. Jaoli (Medha), Dist. Satara in the State of Maharashtra. (FP/MH/OFC/40042/2019).

No. : Desk-17/NC/I/ID-12848/1176/20-21
Nagpur - 440 001, Dated :- 04/02/2021

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

The Vice President, JIO information Ltd. (JIO), Erandavne, Pune has submitted the Proposal for diversion of 0.323 ha. Reserved Forest land for laying of underground Optical Fiber Cable duct and cable within RoW of existing Road passing through at village Medha, Kelghar, Andhari, Kas, Tal. Jaoli (Medha), Dist. Satara in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr. No.	Item work purpose	Village	Taluka	Gut No.	Length (Mtr.)	Width (Mtr.)	Area (Ha.)	Legal Status
1	Kudal to Medha MDR-19	Medha	Jaoli	39	500	1	0.050	Reserved Forest
2	MDR-26 to Andhari Kolghar Kusambhi V.R.172	Kolghar	Jaoli	33,34	762	1	0.0762	
3	MDR-26 to Kas	Phalani	Jaoli	107, 143, 144	1000	1	0.100	
		Kas	Jaoli	48,118, 134	968	1	0.0968	
Total Forest land (in ha.)							0.323	

2.00 The proposal has been initiated by the Vice President, JIO information Ltd. (JIO), Erandavne, Pune for seeking approval under Forest (Conservation) Act, 1980. Total non forest involved in the project is 3.677 ha. The site inspection report of the Deputy Conservator of Forests, Satara Forest Division, Satara is enclosed on page no. 42 to 46.

- 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,

4.00 The Deputy Conservator of Forests, Satara Forest Division, Satara has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is barest minimum (P/53).
- 4.2 the area belongs to Eco-value class-III having density is below 0.7 (dense forest) (P/18)
- 4.3 there are no cutting and felling of trees involved in the project (P/68)
- 4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc (P/62).
- 4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance (P/61).
- 4.6 there is no violation of Forest (Conservation) Act 1980 (P/56).
- 4.7 proposed project is within 10 km from the boundary of the Protected Area, Sahyandri Tiger Reserve (P/69)
- 4.8 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/60).
- 4.9 As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables(OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.

5.00 The User Agency has submitted an undertaking that:-

- 5.1 to defray the cost of compensatory afforestation (P/54).
- 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion (P/64).
- 5.3 the project is in ROW alongwith the State Highway, hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required (P/87)
- 5.4 Copy of the Power of Attorney on 21/09/2019 (P/129).
- 6.00 The Deputy Conservator of Forests, Satara Forest Division, Satara and Chief Conservator of Forest (T), Kolhapur have recommended the proposal for diversion of 0.323 ha. of forest land. (P/17 to 22)

7.00 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: –

- i) The legal status of the land shall remain unchanged.
- ii) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables(OFC). Therefore the cost of compensatory afforestation may not be insisted upon the User Agency.
- iii) Net Present Value is exempted for laying of underground Optical Fiber Cable as per the Government of India guidelines.
- iv) The Optical Fiber Cable Line will be laid within maximum size of the trench of 2.00 m depth & 1.0 m width with cable line under the PVC Pipeline.
- v) The land under project will be reclaimed by the user agency for which the agency shall submit a bank guarantee at the rate of Rs. 50/- per running meter and an undertaking to that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be recovered from the bank guarantee.
- vi) If the cable is going to be laid in the formation width of the road, then additional charges in form of bank guarantee shall be given at the rate of Rs.35/- per running mtr. Similarly for reclamation of side drain and for tarred portion, the guarantee will be at the rate of Rs. 300/- per mtr. and Rs.750/- per mtr. respectively. An undertaking shall be obtained from the user agency that it has agreed to make good any loss to Forest/ Environment while laying the cable in the forest area and during maintenance of the same in future. For further maintenance of the project, the agency shall obtain permission from the Forest Department as and when required.
- vii) The forest land shall not be used for any purpose other than specified in the proposal.
- viii) No felling of trees shall be done during the implementation of project.
- ix) The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- x) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- xi) No labour camps shall be established on the forest land.
- xii) The layout plan of the proposal shall not be changed without prior approval of the Central Government.
- xiii) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xiv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.
- xv) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- xvi) The User Agency will make good the land after use/maintenance.

8.00 It is therefore, requested that Government of India may kindly be moved for approving the Proposal for diversion of 0.323 ha. Reserved Forest land for laying of underground Optical Fiber Cable duct and cable within RoW of existing Road passing through at village Medha, Kelghar, Andhari, Kas, Tal. Jaoli (Medha), Dist. Satara in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

(Sanjeev Gaur)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy to the Chief Conservator of Forest (T), Kolhapur for information.

Copy to the Deputy Conservator of Forests, Satara Forest Division, Satara for information.

Copy to the Vice President, JIO information Ltd. (JIO), Erandavne, Pune for information.