

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST
FORCE), MAHARASHTRA STATE, NAGPUR**
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Sub:- Proposal for diversion of 0.0399 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for construction of Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane in the State of Maharashtra (FP/MH/ROAD/46636/2020)

3452
No.: Desk-17/Nodal/Thane/ID-13773(79)/ /2022-23
Nagpur – 440 001, Dated :- 15/03/2023

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

The Executive Engineer, Multistoried Building Division, Chembur has submitted proposal for diversion of 0.0399 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for construction of Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane 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	Taluka	Survey /Gut/CTS No.	Length & Width	Area (in ha.)	Legal Status
1	Construction of Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line	Thane	Kharbao	Bhiwandi	257pt	28.5 x 14	0.0399	Protected Forest
Total Forest Area involved in the project							0.0399	

2.0 The Railway over bridge (ROB) project involves construction of bridge on the Diva-Vasai railway line at village Kharbao. The length of the bridge is 1.160 Km and width is 7.50 Meters. The ROB will be done on keeping in mind the future widening/expansion of railway lines. There are sparse vegetation in the area. The land status of few patches of Forest land is Government Reserved Forest and there was no other option available other than the forest land for construction of ROB. The railway over bridge project is a linear project. There is no

human habitation on the forest land required in the project. There are no rare endangered or threatened species of flora and fauna found in the project area.

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) The copy of the Administrative approval accorded by the Government of Maharashtra order No. PLN-2016/CR (519)/N-3, dated 17/02/2016.

5) The copy of the Technical approval accorded by the Chief Engineer, Public Work Division, Mumbai vide letter No.572, dated 02/02/2019.

6) Total non-forest involved in the project is 1.9606 ha.

7) The site inspection report of the Deputy Conservator of Forests, Thane Forest Division, Thane is enclosed on page no.32 to 34.

8) No alternate alignment is possible and the forest land required is lowest minimum.

9) The area belongs to Eco-value class-I having density is below 0.4.

10) There are 10 trees of various species and trees involved in implementation of the project. The Girth wise break up is as under:-

Tree Girth in Cm.									
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 above	Total
1	3	0	1	2	1	1	1	0	10

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

12) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

13) There is no violation of Forest (Conservation) Act, 1980.

14) Proposed project is 1.780 Km from Tungareshwar Wildlife Sanctuary. The proposed project area is not included in Tungareshwar Wildlife Sanctuary Eco-Sensitive Zone final notification dated 19/09/2019.

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 Compensatory afforestation over 1.00 ha. degraded forest land as Reserved Forest land in Survey No.158 at Village Lakhiwali, Tal. Bhiwandi, Dist.Thane and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 17) The proposed alignment is best suitable from forestry and feasibility point of view.
- 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 an undertaking 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 before final approval as per Government of India vide letter No.11-43/2013-FC, dt. 3/12/2018.
- 21) The Deputy Conservator of Forests, Thane Forest Division, Thane and the Chief Conservator of Forests (T), Thane have recommended the proposal for diversion of 0.0399 ha. forest land.

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 Compensatory Afforestation :-

- a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded forest land as Reserved Forest land in Survey No.158 at Village Lakhiwali, Tal. Bhiwandi, Dist.Thane 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.
- 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 0.0399 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.
- 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 0.0399 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for construction of Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane 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 Chief Conservator of Forest (T), Thane for information.

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

Copy to the Executive Engineer, Multistoried Building Division, Chembur for information.

PART -IV

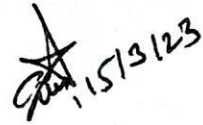
**(To be filled by Nodal Officer or Principal Chief Conservator of Forests
(Head of Forest Force))**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.:- Proposal for diversion of 0.0399 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for construction of Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane in the State of Maharashtra (FP/MH/ROAD/46636/2020). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Name of Village	Taluka	Survey /Gut/CTS No.	Length & Width	Area (in ha.)	Legal Status
1	Construction of Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line	Thane	Kharbao	Bhiwandi	257pt	28.5 x 14	0.0399	Protected Forest
Total Forest Area involved in the project							0.0399	

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


15/3/23

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

Date: 15/03/2023
Place: Nagpur

Proposal for diversion of 0.0399 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for construction of Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane in the State of Maharashtra (FP/MH/ROAD/46636/2020)

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) The proposal for diversion of 0.0399 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for construction of Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane in the State of Maharashtra (FP/MH/ROAD/46636/2020) has been initiated by the Executive Engineer, Multistoried Building Division, Chembur for seeking approval under Forest (Conservation) Act, 1980.
- 2) The Railway over bridge (ROB) project involves construction of bridge on the Diva-Vasai railway line at village Kharbao. The length of the bridge is 1.160 Km and width is 7.50 Meters. The ROB will be done on keeping in mind the future widening/expansion of railway lines. There are sparse vegetation in the area. The land status of few patches of Forest land is Government Reserved Forest and there was no other option available other than the forest land for construction of ROB. The railway over bridge project is a linear project. There is no human habitation on the forest land required in the project. There are no rare endangered or threatened species of flora and fauna found in the project area.
- 3) The details of the forest land proposed for diversion are as under:-

Sr. No	Item work purpose	District	Name of Village	Taluka	Survey /Gut/CTS No.	Length & Width	Area (in ha.)	Legal Status
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- 4) The copy of the Administrative approval accorded by the Government of Maharashtra order No. PLN-2016/CR (519)/N-3, dated 17/02/2016.
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- 6) Total non-forest involved in the project is 1.9606 ha.

- 7) The site inspection report of the Deputy Conservator of Forests, Thane Forest Division, Thane is enclosed on page no.32 to 34.
- 8) No alternate alignment is possible and the forest land required is lowest minimum.
- 9) The area belongs to Eco-value class-I having density is below 0.4.
- 10) There are 10 trees of various species and trees involved in implementation of the project. The Girth wise break up is as under:-

Tree Girth in Cm.									
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 above	Total
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- 11) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 12) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 13) There is no violation of Forest (Conservation) Act, 1980.
- 14) Proposed project is 1.780 Km from Tungareshwar Wildlife Sanctuary. The proposed project area is not included in Tungareshwar Wildlife Sanctuary Eco-Sensitive Zone final notification dated 19/09/2019.
- 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 Compensatory afforestation over 1.00 ha. degraded forest land as Reserved Forest land in Survey No.158 at Village Lakhiwali, Tal. Bhiwandi, Dist.Thane and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
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- 18) The User Agency has submitted an undertaking to defray the cost of Net Present Value.
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- 20) The User Agency has submitted an undertaking 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 before

final approval as per Government of India vide letter No.11-43/2013-FC, dt. 3/12/2018.

21) The Deputy Conservator of Forests, Thane Forest Division, Thane and the Chief Conservator of Forests (T), Thane have recommended the proposal for diversion of 0.0399 ha. forest land.

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 0.0399 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.

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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.

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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.
- 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**