

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 0.020 ha. of Reserved Forest Land for doubling Construction of Existing Broad-Gauge Line from Nira-Lonand Section of Pune-Miraj BG Railway Line in the State of Maharashtra. (FP/MH/Rail/154664/2022) The details of the forest land proposed for diversion are as under:-

Sr. No.	Village Name	Forest Compt. No	Sy. No.	Gut No.	Length x Width (Mtr.)	Forest Area (In Ha)	Legal Status
	Padegaon, Ta. Khandala, Dist. Satara	801	138	176	12.5 x 8.0	0.010	Reserved Forest
			139	180	12.5 x 8.0	0.010	
Total Forest Area (in ha.)						0.020	

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

 17/1/23

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 17/01/2023

Place: Nagpur

Proposal for diversion of 0.020 ha. of Reserved Forest Land for doubling Construction of existing Broad-Gauge Line from Nira-Lonand Section of Pune-Miraj BG Railway Line in the State of Maharashtra.

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.

Proposal for diversion of 0.020 ha. of Reserved Forest Land for doubling Construction of existing Broad- Gauge Line from Nira-Lonand Section of Pune-Miraj BG Railway Line in the State of Maharashtra. The project has been initiated by the Dy. Chief Engineer (Construction) Central Railway, Pune for seeking approval of Forest (Conservation) Act, 1980.

2.00 The detailed area statement of forest land is shown as under:- (PPN-98)

Sr. No.	Village Name	Forest Compt. No	Sy. No.	Gut No.	Length x Width (Mtr.)	Forest Area (In Ha)	Legal Status
	Padegaon, Ta. Khandala, Dist. Satara	801	138	176	12.5 x 8.0	0.010	Reserved Forest
			139	180	12.5 x 8.0	0.010	
Total Forest Area (in ha.)						0.020	

3.00 There has been extensive pressure on increasing passenger and freight services on existing Pune Miraj Broad Gauge Railway Line. The line was initially laid around 1925. To cope up with continually increasing volume of traffic, the Railway Board had a proposal for doubling of existing Pune-Miraj Broad Gauge Railway Line. The Railway Board has sanctioned the proposal to double the existing Broad-Gauge line from Pune to Miraj. In the extant proposal, Nira- Lonand Section on the Pune-Miraj Broad-Gauge Line is proposed for doubling. The Nira- Lonand Section of proposed doubling project traverse through a forest patch in Padegaon village of Khandala Tehsil of Satara District. Considering the type of topography, availability of land and techno-economic feasibility of the project, the new BG Line is inevitably required to be laid parallel to existing BG Line. The proposal is essentially a site-specific and to be taken up within the existing RoW. There is no other alternative available with the Central Railway to locate the project elsewhere. Hence, the project is located in Forest Land. The Forest Land proposed for diversion is unavoidable and barest minimum. About 0.020 Ha of the Forest Land is required for the project. The proposed project is categorized as Public Utility Service and Infrastructure Project. (PPN-7) Non-forest land required for this project is 3.0515 ha. (PPN-5) Project Note submitted by the User Agency is enclosed on (PPN- 3 to 6) The site inspection report of the Deputy Conservator of Forests, Satara Forest Division, Satara is enclosed on **pages no.18 to 23.**


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

- 4.1 No suitable alternate non-forest land is available and demand for the forest land is minimum. (PPN-34)
- 4.2 The proposal of diversion of Forest land for doubling of existing Broad-Guage line at Nira- Lonand section of Pune, Miraj BG Railway Line at Village- Padegaon Ta. Khandala, Dist. Satara. Project Authority has been done work in forest Gut No.180 at Village Padegaon as well as in Non-Forest Land. Violation of Forest (Conservation) Act, 1980 and/or its guideline has been committed. Project authority has submitted violation report which is enclosed on **PPN.37 to 41.**
- 4.3 The area belongs to, Eco class-III and having density of forest is below 0.4. (PPN-18 & 21)
- 4.4 There is no cutting & felling of trees involved in the implementation of the Project. (PPN-70)


- 4.5 The project is not included in the area of any National Park, Wildlife Sanctuary or Nature reserve. (PPN-64)
- 4.6 The area involved in the project is beyond 5.00 km from the boundary of protected area i.e. National Park/ Wildlife Sanctuary. (PPN-65)
- 4.7 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (PPN-81)
- 4.8 Proposed Compensatory Afforestation over 1.00 ha degraded Forest land Gut No.1879 Compt. No. 790 of Village Palashi Ta. Khandala Dist. Satara is suitable for afforestation and it is free from encroachment and encumbrances. (PPN-46)
- 4.9 The project is proposed to be undertaken parallel to existing broad-gauge line. As a such The project is site specific. Hence, there is no alternative alignment for the project. (PPN-77)
- 4.10 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. (PPN-62)
- 4.11 The project is categorized as Central Government's Public Utility Infrastructure Project. The Project involves Forest land to the extent of 0.02 Ha., which is less than 1.00 Ha. No tree is required to be felled for the purpose of the extent project. In view of the above fact, subject to provision under Para 2.6 (1) (b) & (e) of the Handbook of FCA, 1980 & FCR, 2003 (Guideline & Clarification), no Compensatory Afforestation is to be insisted upon. (PPN-60)
- 5.00 The User Agency has submitted the following undertaking/Certificate/documents:-**
 - 5.1 The project is categorized as Central Government's Public Utility Infrastructure Project. The Project involves Forest land to the extent of 0.02 Ha., which is less than 1.00 Ha. No tree is required to be felled for the purpose of the extent project. In view of the above fact, subject to provision under Para 2.6 (1) (b) & (e) of the Handbook of FCA, 1980 & FCR, 2003 (Guideline & Clarification), no Compensatory Afforestation is to be insisted upon. Hence, not applicable. However the Central Railway, Pune undertakes to pay the entire amount for Compensatory Afforestation in lieu of the forest area diverted for doubling of existing Broad-Gauge line in Nira-Lonand Section of Pune-Miraj BG Railway Line, including Penal Compensatory Afforestation, if any, as per prevailing wage rates at the time of plantation and as per scheme prepared by the State Government, if so determined by the Competent Authority. (PPN-35)
 - 5.2 Agreed to defray the cost of Net Present Value of the forest land proposed under diversion. (PPN-66)
 - 5.3 Justification for locating the project in the forest area is enclosed on PPN.7
 - 5.4 The Central Railway, Pune has applied for issue of certificate under FRA, 2006 for the proposed project and shall produce the certificate under FRA, 2006 before the Forest Department/other concerned Authorities, as and when received from the Collector, Satara. (PPN-88/1)

- 6.00 The Deputy Conservator of Forests, Satara Forest Division, Satara and the Chief Conservator of Forests (T.), Kolhapur have recommended the proposed for diversion. (PPN-24 to 27)
- 7.00 The copy of Administrative and approval accorded by the Government of India, Ministry of Railways, (Railway Board) vide letter No.2915/W-1/CR/DPR-Pune-Miraj-Londha dt.10/06/2016 (PPNo.105/1)
- 8.00 The copy of Technical approval accorded by the Dy. Chief Engineer (C) Central Railway, Pune letter No. CHQ/AC/Est/PA-MRJ/2385, dated 04/11/2015 is enclosed on PPNo. 105/2 to 105/3
- 9.00 The area to be diverted for the project purpose and the forest area proposed for C.A. has been shown in the KML file C.D submitted by the User Agency. The said KML file C.D. is enclosed and placed in the file at the top.
- 10.00 **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:-**
- 10.1 The legal status of the forest land required will remain unchanged.
- 10.2 Proposed Compensatory Afforestation over 1.00 ha degraded Forest land Gut No.1879 Compt. No. 790 of Village Palashi Ta. Khandala Dist. Satara is suitable for afforestation and it is free from encroachment and encumbrances. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- 10.3 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 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.
- 10.4 **NPV :-**
- a) The State Government shall charge the Net Present Value (NPV) for the 0.020 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022, 19/01/2022 and 22/03/2022.
- 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.
- 10.5 For violation of the Forest (Conservation) Act, 1980 the User Agency will defray the cost equal to NPV of forest land per hectares for each year of violation from the dated of actual diversion as reported by the inspecting officer with maximum up to 5 times Penal NPV Plus 12 percent simply interest till the deposit is made in accordance with Government of India advisory number 11-42/2017-FC, dated 29/01/2018
- 10.6 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.
- 10.7 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/>)
- 10.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed

- certificate from the concerned District Collector.
- 10.9 Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/Forest Areas.
- 10.10 The User Agency shall provide suitable under/over passes in Protected Area/Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
- 10.11 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 10.12 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 10.13 No labour camp shall be established on the forest land.
- 10.14 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the laborer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 10.15 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.
- 10.16 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 10.17 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.
- 10.18 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 10.19 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 10.20 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.
- 10.21 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.
- 10.22 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


17/01/2023.



Office of the Principal Chief Conservator of Forests (Head of Forests Force), Maharashtra State
Additional Principal Chief Conservator of Forests & Nodal Officer,
1st Floor, B Wing,
VanBhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001
Tel.No.: 0712- 2556916 , E-mail: apccfnodal@mahaforest.gov.in

Sub:-Proposal for diversion of 0.020 ha. of Reserved Forest Land for doubling Construction of existing Broad-Gauge Line from Nira-Lonand Section of Pune-Miraj BG Railway Line in the State of Maharashtra.

No.:- Desk-17/Nodal/Kolhapur/ID-14131(31)/2706/2022-23
Nagpur- 440 001, Dated 17/01/2023

To,

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

Sir,

Proposal for diversion of 0.020 ha. of Reserved Forest Land for doubling Construction of existing Broad-Gauge Line from Nira-Lonand Section of Pune-Miraj BG Railway Line in the State of Maharashtra. (FP/MH/Rail/154664/2022)

2.0 The details of the forest land proposed for diversion are as under:- **(P.P.No.98)**

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- a) The State Government shall charge the Net Present Value (NPV) for the 0.020 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022, 19/01/2022 and 22/03/2022.
- 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.
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- 10.7 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/>)

- 10.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 10.9 Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/Forest Areas.
- 10.10 The User Agency shall provide suitable under/over passes in Protected Area/Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
- 10.11 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 10.12 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 10.13 No labour camp shall be established on the forest land.
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- 10.15 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.
- 10.16 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 10.17 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.
- 10.18 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 10.19 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 10.20 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.
- 10.21 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.
- 10.22 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)
- 11.00** It is therefore, the Government of Maharashtra is being requested for Proposal for diversion of 0.020 ha. of Reserved Forest Land for doubling Construction of existing Broad-Gauge Line from Nira-Lonand Section of Pune-Miraj BG Railway Line in the State of Maharashtra.

Encl: (Proposal in two copies)

Yours sincerely,

[Signature]
17/11/23

(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy forwarded for information to:-

1. The Chief Conservator of Forests (T.), Kolhapur.
2. The Deputy Conservator of Forests, Satara Forest Division, Satara.
3. Dy. Chief Engineer, (Construction) Central Railway, Pune.