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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

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Sub.:- Diversion of 0.012 ha. Reserved Forest land for construction of approach road for Darsh Hi-tech industries and others at Vill-Kharabwadi (Chakan), Tal-Khed, Distt-Pune in the state of Maharashtra.

No. : Desk-17/NC/II/ID 12643/(18)/1992/2018-19
Nagpur – 440 001, Dated: 24/01/2019

To ,

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

Ref:- Chief Conservator of Forests (T), Pune letter No Desk-1/Land/FCA-232/2018-19/90 dated 30/07/2018.

The project has been initiated by Shri P.J.Shah, Darsh High Tech. Industries & 4 others, (1) Lilabai Baburao Raundal & Vijay Baburao Raundal Enterprise, 2) Suniti Enterprise. 3) Patil Enterprise, 4) Chakan casting (Gautam Shah, Prasanna Shah). At Gut No.253 1/B, Kharabwadi (Chakan) Talegaon - Chakan Road, Tal. Khed, Dist-Pune.

The proposal is for diversion of 0.012 ha. Reserved forest land for construction of approach road in Gut No. 252 (Compt No 645) at Village Kharabwadi (Chakan), Taluka- Khed , District- Pune for construction of approach road in Gut No. 252 (Compt No 645) at Village Kharabwadi (Chakan), Taluka- Khed , District- Pune. No non forest land is involved in the project. The details of Forest land proposed for diversion is as under:-

Name of Component	Name of Village	Forest Land Required					Legal Status
		F.S./ Gut No.	Compt . No.	Length x Width (m)	Area (sqm)	(Ha)	
Construction of approach road	Village-Kharab wadi, Tal: Khed Dist: Pune	252	645	16X7.5	120	0.0120	Reserved Forest
Total area to be require for the Project					120	0.012	

The area of Gut No 253/1B,254,255 and others was declared industrial Zone by Town Planning Department. Therefore so many small scale industries / factories are located here before approximate 25 years ago. At that time there was open area for transportation from other factories premises. Now due to this factories constructions and wall compounds

it is not possible for transportation through this factory premises hence need of approach road is required for this units.

So according to the need and demand project authority has constructed approach road between the factory premises in Gut No. 253/1-B and existing Talegaon-Chakan road in Forest Gut No.252 of Village Kharabwadi Tal. Khed District Pune. As the forest area Gut No.252 lies exactly in between the industrial zone and existing Chakan-Talegaon road. Project authority were using the road for their entry & exit purpose from their factory to Chakan-Talegaon road.

Now the forest department constructed fencing to the Gut No. 252, so now we lost road facilities of transportation. Now there is no any option to entry or exit from our factory except to use the forest land. Presently user agency is using the open forest area of Gut No 252 for transportation purpose.

As the forest area lies exact in between the industrial Zone area & existing Talegaon Chalan road and there is no alternative non-forest land available for this proposed approach road. North side of parallel boundary of Forest Gut No. 252 is totally built-up & covered by various factories. There is no scope to remove the permanent structure because the factories are manufacturing different types of products.

Therefore the user agency has submitted the proposal for regularization of violation under section 2 (ii) of the Forest (Conservation) Act, 1980.

The Chief Conservator of Forests (T), Pune vide letter No Desk-1/Land/FCA-232/2018-19/90 dated 30/07/2018 has submitted the proposal along with 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, Junnar has certified that no suitable alternate non forest land is available for the proposal and demand of forest land is minimum.
- 2) Deputy Conservator of Forests, Junnar has certified that the work of construction of approach road in Reserved forest area 0.012 ha at village Kharabwadi (Chakan) Tal-Khed, Distt- Pune forest Gut No 252 (Compt No 645) has been completed without permission hence there is violation. Period of violation is 20/06/1998 to 30/06/1998 for construction of road. Violation report is enclosed on page No 94-95.
- 3) The Deputy Conservator of Forests, Junnar has certified that there is no cutting and felling of trees involved in the project.
- 4) The Deputy Conservator of Forests, Junnar has certified that the area involved in project does not included in the area of any National Park/Wildlife Sanctuary or Nature Reserve.
- 5) The Deputy Conservator of Forests, Junnar has certified that the proposed project is about 60 kms from National Park/Sanctuary.
- 6) The Deputy Conservator of Forests, Junnar has certified that the project area is beyond 10 Kms of the boundary of protected area. (Sanctuary and National Park) .

- 7) The Deputy Conservator of Forests, Junnar has certified that proposed site is not likely to affect any monumental site of cultural, historical, religious archeological or recreational importance.
- 8) The Deputy Conservator of Forests, Junnar has certified all other alternate for the purpose have been examined and have come to conclusion that the proposed area for the project is barest minimum.
- 9) The Deputy Conservator of Forests, Junnar has certified that the project area belongs to Eco-Value class IV , Open Forest.
- 10) Deputy Conservator of Forests, Junnar has submitted the Site Inspection Report dated 06/09/2018.
- 11) The Deputy Conservator of Forests, Junnar has proposed 1.00 ha degraded forest land at Compt No 265, Forest Gut No 550 at vill-Chakan (Kadachiwadi) for Compensatory Afforestation and suitable for Afforestation and management purpose and it is free from encroachment .
- 12) The Deputy Conservator of Forests, Junnar has certified that certificate of Identified Forest and acquired forest certificate for non forest area under the project is not applicable due to the proposed and required area is in the Reserve Forest.
- 13) The user agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 vide District Collector Pune certificate dated 22/03/2018 for 120 Sq Ft.
- 14) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.
- 15) The user agency has submitted the undertaking to defray the cost of compensatory afforestation and exploitation or as would be communicated by the State forest Department or GOI.
- 16) The user agency has submitted the undertaking to bear the cost of clearance/removal of vegetation growth from the forest land proposed for diversion.
- 17) The user agency has submitted that the project area is outside of the Scheduled Tribe area.
- 18) The user agency has submitted the undertaking that company agreed to defray the cost as determined by the forest Department on account of violation of the approach road.
- 19) The Deputy Conservator of Forests, Junnar has recommended the proposal
- 20) Chief Conservator of Forests (T), Pune has recommended the proposal on following conditions :-
 - i) The remaining area of S No 645 (Gut No 252) needs to be fenced with chain link fencing. The agency shall plant in fenced area tall trees with care for next five years in consultation with Forest Department and put up a board announcing that this is Forest land.

- ii) The Proposer should fund construction of one waterhole/cement bandhara.

In view of the above proposal submitted by the Chief Conservator of Forests (T), Pune is apparent that :-

"Forest Land of Gut No 252 ,admeasuring 0.012 ha. (ComptNo 645) of Village Kharabwadi (Chakan) Taluka- Khed, District- Pune has been used by user agency since 1998 and continued to be in non forest use i.e. for approach road. Which implies that this is a case of regularization of encroachment made by the user agency and it is needs to be regularized under the provisions of the Forest (Conservation) Act, 1980. Hence forest land admeasuring to 0.012 ha. is being recommended for regularization of violation."

In view of this, the proposal is recommended for in-principle approval under section 2(ii) of the Forest (Conservation) Act 1980 subject to the following conditions-

- i) The legal status of the land required will remain unchanged.
- ii) Compensatory afforestation will be raised at the cost of user agency on 1.00 ha. degraded Forest land at Compt No 265, Forest Gut No 550 of vill- Chakan (Kadachiwadi). 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.
- iii) Penal Compensatory afforestation will be raised at the cost of the user agency on 1.00 Ha. of degraded forest land identified by State Forest Department.
- iv) The user agency will defray the cost of Net Present Value of 0.012 ha. of forest land as per latest guidelines of Government of India
- v) The user agency will defray the additional/ revised cost of Net Present Value as per latest guidelines of Government of India.
- vi) The forest land shall not be used for any purposes other than specified in the project.
- vii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- viii) 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.
- ix) For violation of FCA, 1980 as penalty, the user agency will defray the cost (equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto (5) five times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory

number 11-42/2017-FC, dated 29/01/2018.

- x) The user agency will obtain Environment Clearance, if required.
- xi) The user agency shall fenced the remaining area of S No 645 (Gut No 252) with chain link fencing. And the user agency shall plant tall trees in fenced area with care for next five years in consultation with Forest Department and put up a board announcing that this is Forest land .
- xii) The user agency should bear the cost of construction of one waterhole/cement bandhara as recommended by Chief Conservator of Forests (T), Pune.
- xiii) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- xiv) 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 0.012 ha. Forest Land in favour of Shri P.J.Shah, Darsh High Tech. Industries & 4 others, for construction of approach road in Gut No. 252 (Compt No 645) at Village Kharabwadi (Chakan), Taluka- Khed , District- Pune under section (ii) of the Forest (Conservation) Act 1980.

Encls : As above

Draft Approved by
Addl.P.C.C.F.& N.O.M. S.Nagpur

(A BNimbalkar)

Assistant Conservator of Forests

O/o Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur

Copy to Chief Conservator of Forests (T) Pune.

Copy to Deputy Conservator of Forests Junnar.

Copy to Shri P.J.Shah, Darsh High Tech. Industries at Gut No.253 1/B Kharabwadi (Chakan)
Talegaon - Chakan Road Tal. Khed Dist-Pune.

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.- Shri P.J.Shah, Darsh High Tech. Industries & 04 others at Gut No.253 1/B Kharabwadi (Chakan) Talegaon - Chakan Road, Tal. Khed, Dist-Pune submitted the proposal for construction of approach road in Gut No. 252 (Compt No 645) at Village Kharabwadi (Chakan), Taluka- Khed, District- Pune for which 0.012 ha forest land required under Section - 2 of the Forest (Conservation) Act, 1980 has been proposed by User Agency. The details of the forest land proposed for diversion is as under :-

Name of Component	Name of Village	Forest Land Required					Legal Status
		F.S./ Gut No.	Compt No.	Length x Width (m)	Area (sqm)	(Ha)	
Construction of approach road	Village-Kharabwadi, Tal: Khed Dist: Pune	252	645	16X7.5	120	0.0120	Reserved Forest
	Total area to be require for the Project				120	0.012	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 14A

Date : /01/2019
Place : Nagpur

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

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**Proposal for construction of approach road for Darsh Hi-tech Industries and others at
Village-Kharabwadi (Chakan) Tal-Khed, Distt-Pune**

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

The proposal is for diversion of 0.012 ha. Reserved forest land for construction of approach road in Gut No. 252 (Compt No 645) at Village Kharabwadi (Chakan), Taluka- Khed, District Pune for Darsh Hi-tech Industries and others at Village-Kharabwadi (Chakan) Tal-Khed Distt-Pune in Maharashtra State. No non forest land is involved in the project. The details of Forest land proposed for diversion is as under:-

Name of Component	Name of Village	Forest Land Required					Legal Status
		F.S./ Gut No.	Compt. No.	Length x Width (m)	Area (sqm)	(Ha)	
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So according to the need and demand project authority has constructed approach road between the factory premises in Gut No. 253/1-B and existing Talegaon-Chakan road in Forest Gut No.252 of Village Kharabwadi Tal. Khed District Pune. As the forest area Gut No.252 lies exactly in between the industrial zone and existing Chakan-Talegaon road. Project authority were using the road for their entry & exit purpose from their factory to Chakan-Talegaon road.

Now the forest department constructs fencing to the Gut No. 252, so now we lost road facilities of transportation. Now there is no any option to entry or exit from our factory except to use the forest land. Presently user agency is using the open forest area of Gut No 252 for transportation purpose.

As the forest area lies exact in between the industrial Zone area & existing Talegaon Chalan road and there is no alternative non-forest land available for this proposed approach road. North side of parallel boundary of Forest Gut No. 252 is totally built-up & covered by various factories. There is no scope to remove the permanent structure because the factories are manufacturing different type products.

Therefore the user agency has submitted the proposal for regularization of violation under section 2 (ii) of the Forest (Conservation) Act, 1980.

The Chief Conservator of Forests (T), Pune vide letter No Desk-1/Land/FCA-232/2018-19/90 dated 30/07/2018 has submitted the proposal along with 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 :-

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- 10) Deputy Conservator of Forests, Junnar has submitted the Site Inspection Report dated 06/09/2018.

C/114
C/26

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P/50-52

- 11) The Deputy Conservator of Forests, Junnar has proposed 1.00 ha degraded forest land at Compt No 265, Forest Gut No 550 at vill-Chakan (Kadachiwadi) for Compensatory Afforestation and suitable for Afforestation and management purpose and it is free from encroachment. P/52A
- 12) The Deputy Conservator of Forests, Junnar has certified that certificate of Identified Forest and acquired forest certificate for non forest area under the project is not applicable due to the proposed and required area is in the Reserve Forest. P/67
- 13) The user agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 vide District Collector Pune certificate dated 22/03/2018 for 120 Sq Ft. P/87
- 14) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion. P/22
- 15) The user agency has submitted the undertaking to defray the cost of compensatory afforestation and exploitation or as would be communicated by the State forest Department or GOI. P/21
- 16) The user agency has submitted the undertaking to bear the cost of clearance/removal of vegetation growth from the forest land proposed for diversion. P/74
- 17) The user agency has submitted that the project area is outside of the Scheduled Tribe area. P/77
- 18) The user agency has submitted the undertaking that company agreed to defray the cost as determined by the forest Department on account of violation of the approach road. P/96
- 19) The Deputy Conservator of Forests, Junnar has recommended the proposal P/112
- 20) Chief Conservator of Forests (T), Pune has recommended the proposal on following conditions :- P/113
 - i) The remaining area of S No 645 (Gut No 252) needs to be fenced with chain link fencing. The agency shall plant in fenced area tall trees with care for next five years in consultation with Forest Department and put up a board announcing that this is Forest land.
 - ii) The Proposer should fund construction of one waterhole/cement bandhara.

In view of the above proposal submitted by the Chief Conservator of Forests (T), Pune is apparent that :-


"Forest Land of Gut No 252, measuring 0.012 ha. (Compt No 645) of Village Kharabwadi (Chakan) Taluka- Khed, District- Pune has been used by user agency since 1998 and continued to be in non forest use i.e. for approach road. Which implies that this is a case of regularization of encroachment made by the user agency



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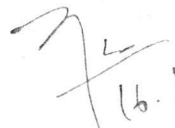
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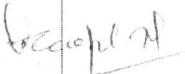
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- xiii) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- xiv) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.


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


15/11/19

15/01/19


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