

**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,
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Sub:- Proposal for diversion of 10.685 ha. restored area u/s. 22-A of Maharashtra Private Forest (Acquisition) Act, 1975 of Private Forest for non forest purpose of Survey No.69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 of village Walshet, Tal. Shahapur, Dist. Thane in the State of Maharashtra (FP/MH/OTHERS/120843/2021).

No. : Desk-17/Nodal/Thane /I.D-12743(69)/1243/2022-23
Nagpur – 440 001, Dated 19/08/2022

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralya, Mumbai – 400032

The Project Authority, Shri. Sumeet R.Bhalotia and others, Thane has submitted proposal for diversion of 10.685 ha. restored area u/s. 22-A of Maharashtra Private Forest (Acquisition) Act, 1975 of Private Forest for non forest purpose of Survey No.69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 of village Walshet, Tal. Shahapur, Dist. Thane in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr.No.	Item of works/ purpose	Name of Village	Taluka	District	Survey No.	Area (in ha.)	Legal Status
1	Construction of Residential Project	Walshet	Shahapur	Thane	69/4	0.490	Deemed
					69/5/A/pt	2.000	Reserved
					69/2/A	1.140	Forest
					69/2/B	0.810	(Restored
					70/2/pt.	1.130	Private Forest
					70/3	1.370	Area u/s. 22A
					69/3	1.275	of MPF
					69/5/A/pt.	1.020	(Acq.) Act,
					69/5/B	0.450	1975)
					69/6	0.670	
70/2/pt.	0.330						
Total Forest Area (in ha.)						10.685	

- 2) The Chief Conservator of Forests (T), Thane vide letter dated 29/05/2019 has submitted proposal for diversion of 10.685 ha. restored area u/s. 22-A of Maharashtra Private Forest (Acquisition) Act, 1975 of Private Forest for non forest purpose of Survey No.69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 of village Walshet, Tal. Shahapur, Dist. Thane in the State of Maharashtra.
- 3) The proposed land is restored private forest land which is restored on 29/08/1980, i.e. before commencement of Forest (Conservation) Act, 1980. Deputy Collector (Private Forest), Shahapur restoration order dated 29/08/1980 and proceeding of Register copy is enclosed on file page no.79 to 73. In this regard, the User Agency has submitted proposal under Forest (Conservation) Act, 1980, for diversion of 10.685 ha. Restored Private Forest Area u/s. 22 A.
- 4) The said proposal is proposed for diversion of 10.685 ha. area as forest land irrespective of whether it is restored before or after 25/10/1980. Irrespective of restoration, status of land

remains as a deemed reserved forest. By treating this land as a forest (like RF/PF), this proposal is submitted for diversion.

- 5) (a) The User Agency is ready to provide non-forest land as compensatory land after Stage-I approval
(b) The User Agency has given an undertaking to deposit fund for Net Present Value is Rs.1,19,34,077/-
(c) The User Agency has given an undertaking to deposit fund for compensatory afforestation for 10 years as per current rate structure which will be Rs.86,92,745/-
- 6) As per directions issued by the Government of Maharashtra vide letter No. S-30/2008/C.R.281/Part-1/F-3, dated 08/12/2017 Government of Maharashtra specifically issued following directions:-

- 1) जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या 22-अ अंतर्गत दिनांक 25.10.1980 पूर्वी पुनःस्थापित झालेले आहेत किंवा दिनांक 25.10.1980 नंतर वन (संवर्धन) अधिनियम, 1980 अंतर्गत केंद्र शासनाच्या पूर्व परवानगीने पुनःस्थापित झाले आहे, अशा क्षेत्राच्या पुनःस्थापनेनंतर खरेदी-विक्री करण्यास वन विभागातर्फे कोणतेही बंधन राहणार नाही. मात्र सदर जमीनीचा वनेतर वापर करावयाचा झाल्यास त्यासाठी वन (संवर्धन) अधिनियम, 1980 अंतर्गत केंद्र शासनाची पूर्व परवानगी घेणे संबंधितांवर बंधनकारक राहील.

The area restored u/s 22 A before 25.10.1980 or area restored after 25.10.1980 with the prior permission from Government of India, there will be no restrictions for sale/purchase of the restored area by Forest Department. However, using restored land for non-forestry purpose prior permission under Forest (Conservation) Act, 1980 is mandatory.

- 7) The Government India vide letter No.FC/Misc-250/RON/2020-NGP/7119, dated 04/09/2020 has given directions to the state government. Accordingly, it is suggested that for de-notification of Forest Land; User Agency may approach Hon'ble Supreme Court for prior permission in pursuance to Hon'ble order dated 13.11.2000 in WP No.337/1995. Further if the User Agency desires to divert forest land for any non forestry activity under Section-2 of Forest (Conservation) Act, 1980 a comprehensive forest diversion proposal in the relevant Form-A appended in Forest (Conservation) Amendment Rules 2014 and Forest (Conservation) Second Amendment Rules, 2014 need to be submitted through State Government/ Nodal Officer for further consideration of Central Government. This proposal is not for de-notification but for diversion. Therefore submitted for getting approval for diversion i.e. is for non-forestry use.
- 8) The proposal has been initiated by the Project Authority, Shri. Sumeet R.Bhalotia and others has submitted the proposal for seeking permission to use Restored private forest land for non forest purpose of Survey No.69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 of village Walshet, Tal. Shahapur, Dist. Thane in the State of Maharashtra.
- 9) The site inspection report of the Deputy Conservator of Forests, Shahapur Forest Division, Shahapur is enclosed on page no.49 to 51.

10) Remarks of APCCF (Conservation) M.S.Nagpur regarding status of forest land involved:-

Government of Maharashtra vide letter No.S-30/2008/C.R.281/Part-I/F-3, dated 08/12/2017 issued directions mentioned below:-

- a) The area restored u/s 22 A before 25.10.1980 or area restored after 25.10.1980 with the prior permission from Government of India, there will be no restrictions for sale/purchase of the

restored area by Forest Department. However, using restored land for non-forestry purpose prior permission under Forest Conservation Act, 1980 is mandatory.

“जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या 22-अ अंतर्गत दिनांक 25.10.1980 पुर्वी पुनःस्थापित झालेले आहेत किंवा दिनांक 25.10.1980 नंतर वन (संवर्धन) अधिनियम-1980 अंतर्गत केंद्र शासनाच्या पूर्व परवानगीने पुनःस्थापित झाले आहे, अशा क्षेत्राच्या पुनःस्थापनेनंतर खरेदी-विक्री करण्यास वन विभागातर्फे कोणतेही बंधन राहणार नाही. मात्र सदर जमिनीचा वनेतर वापर करावयाचा झाल्यास त्यासाठी वन (संवर्धन) अधिनियम, 1980 अंतर्गत केंद्र शासनाची पूर्व परवानगी घेणे संबंधितावर बंधनकारक राहील.”

- b) The Private Forest area restored u/s 22A or released u/s 6 after 25.10.1980 without prior permission of Government of India. The said order issued u/s 6 and section 22A of Maharashtra Private Forest (Acquisition) Act, 1975 are against the rule and illegal in nature, therefore sale and purchase of the restored Private Forest is prohibited.

“जे क्षेत्र दिनांक 25.10.1980 नंतर केंद्र शासनाच्या पूर्व परवानगी शिवाय महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या कलम 6 अंतर्गत मुक्त किंवा 22-अ अंतर्गत पुनःस्थापित झाले असेल, असे आदेश मुळतः नियमबाह्य असल्यामुळे विधीग्राह्य ठरत नाही. अशा क्षेत्राची खरेदी विक्री करता येणार नाही.”

- c) The Private Forest area which is pending for enquiry u/s 6 and 22 A of Maharashtra Private Forest (Acquisition) Act, 1975 has legal status of 'deemed reserved forest'. Therefore sale/purchase of this area is prohibited.

“जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 कलम 6 व कलम 22-अ खाली चौकशीवर प्रलंबित असतील, अशा क्षेत्राचा वैधानिक दर्जा सदःस्थिती मानीव राखीव वन असल्यामुळे त्या क्षेत्राची खरेदी-विक्री करता येणार नाही.”

- d) The sale/purchase transaction of the area which is pending for enquiry under section 6 and 22 A of Maharashtra Private Forest (Acquisition) Act, 1975, is against the rules and illegal in nature.

“ ज्या क्षेत्राची खरेदी-विक्री कलम 6 व कलम 22 अ खालील चौकशी प्रलंबित असतांना करण्यात आलेली असेल तर असे व्यवहार नियमबाह्य असल्याने ते विधीग्राह्य ठरत नाही.”

- e) The Private Forest area which is restored under section 22 A of Maharashtra Private Forest (Acquisition) Act, 1975 needs prior approval from Government of India under Forest Conservation Act, 1980 for non forestry use. Therefore, concerned Revenue Authorities should not give NA permission/ construction permission. Tree Officers should not issue felling permission for trees standing on this area.

“ महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या 22-अ अंतर्गत पुनःस्थापित झालेल्या जमिनीचा वनेतर वापर करावयाचा असल्यास त्यासाठी वन (संवर्धन) अधिनियम, 1980 अंतर्गत केंद्र शासनाची पूर्व परवानगी घेणे बंधनकारक असल्यामुळे, अशा प्रकरणात संबंधित महसूल प्राधिका-यांनी अकृषक परवाने/ बांधकाम परवाने देऊ नयेत. तसेच वृक्ष अधिका-यांनी अशा क्षेत्रावरील वृक्षतोडीस परवानगी देऊ नये.”

- f) The FC Act prohibits only the change in land use by the owner (Government or private) having control over the forest land. The FC Act does not prohibit the change in ownership of private forest by way of sale and transfer as per relevant provisions in the state as long as there is no change in land use of forest. Any change in land use from forest to non forest after 25.10.1980 shall be as per the provisions of Forest (Conservation) Act, 1980.

“ वन संवर्धन अधिनियमाद्वारे भूधारकाने त्याच्या अधिनस्त वनक्षेत्राच्या जागेच्या वापरामध्ये बदल करणे प्रतिबंधित केलेले आहे. परंतु सदर कायदान्वये खाजगी वनाच्या मालकीमध्ये विक्रीद्वारे मालकी बदलणे प्रतिबंधित नाही, जोपर्यंत सदर क्षेत्राच्या वापरामध्ये बदल होत नाही. त्यामुळे अशा प्रकारे वनक्षेत्राच्या वनेतर वापरासाठी दि.25.10.1980 नंतर बदल करण्यासाठी वनसंवर्धन अधिनियम, 1980 मधील तरतुदी लागू राहतील.”

As the proposed land under project is Restored Private Forest land prior to 25.10.1980 the legal status is "Forest". Hence, permission of GOI is needed for diversion of this land.

11) 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 copy.

11.1 Prescribed form dated 10/01/2003.

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

11.3 Area Statement,

11.4 Index map in suitable scale

12) The Deputy Conservator of Forests, Shahapur Forest Division, Shapur has certified that:-

- 1) The area belongs to Eco-value class-I having density is below 0.1 (Open Forest).
- 2) There are 346 trees of various species required to be felled for implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm.								Total
0-30 cm	31-45 cm	46-60 cm	61-75 cm	76-90 cm	91-120 cm	121-150 cm	Above 150 cm	
64	130	111	27	10	3	0	1	346

- 3) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4) There is no violation of Forest (Conservation) Act 1980.
- 5) Proposed project is within 10 kms. of Tansa Wildlife Sanctuary. The Principal Chief Conservator of Forests (Wildlife) Maharashtra state vide office note no. Desk 23(2)/Wildlife/Survey/C.R.44(2021-22)/833, Dated 22/07/2021 has informed that the Wildlife Clearance would be required to the project.
- 6) 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.
- 7) Proposed Compensatory Afforestation over 11.34 ha. non forest land in Gut No. 135,858 at Village Manjutri and Durgevadi, Tal. Chiplun, Dist. Ratnagiri it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

13) The User Agency has submitted an undertaking that:-

- 1) The User Agency has submitted an undertaking to deposit the cost of Net Present Value
- 2) The User Agency has submitted an undertaking to deposit the cost of Compensatory Afforestation.
- 3) The User Agency has to obtain Environmental Clearance of SBWL & NBWL after Stage-I approval.
- 4) 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 formal approval as per Government of India vide letter No.11-43/2013-FC, dt.3/12/2018.
- 5) The Development plant is enclosed on file page No.158
- 6) The copy of the restoration order accorded by the Deputy Collector (Private Forest), Shahapur vide letter dated 29/08/1980 and proceeding of Register copy is enclosed on file page no.79 to 73.

- 14) As per form A Part-II, the Deputy Conservator of Forests, Shahapur Forest Division, Shahapur has recommended this proposal for sanction for diversion of 10.685 ha. of Restored Private Forest land.
- 15) As per form A Part-III, Chief Conservator of Forest (T), Thane has recommended the proposal for approval for diversion of 10.685 ha. of Restored Private Forest land.
- 16) **In view of this, the proposal is recommended for approval for diversion under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**

1) Compensatory Afforestation :-

- a) Compensatory afforestation shall be taken up by the Forest Department over 11.34 ha. non forest land in Gut No. 135,858 at Village Manjutri and Durgevadi, Tal. Chiplun, Dist. Ratnagiri 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) 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.

3) NPV:-

- a) The State Government shall charge the Net Present Value(NPV) for the 10.685 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.
- 4) The cost of felling of trees, if any, shall be deposited by the User Agency with the State Forest Department.
- 5) The complete compliance of the FRA, 2006 shall be submitted in prescribed certificate from the concerned District Collector.
- 6) The User Agency shall obtain Environmental Clearance, if required.
- 6) All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- 7) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

Encl. :- Proposal 2 copies

(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests
& Nodal Officer**

Copy to the Chief Conservator of Forests (Territorial), Thane for information.

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

Copy to the Project Authority, Shri. Sumeet R.Bhalotia and others, Thane 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 10.685 ha. restored area u/s. 22-A of Maharashtra Private Forest (Acquisition) Act, 1975 of Private Forest for non forest purpose of Survey No.69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 of village Walshet, Tal. Shahapur, Dist. Thane in the State of Maharashtra (FP/MH/OTHERS/120843/2021). The details of land proposed for diversion is as under-

Sr.No.	Item of works/ purpose	Name of Village	Taluka	District	Survey No.	Area (in ha.)	Legal Status
1	Construction of Residential Project	Walshet	Shahapur	Thane	69/4	0.490	Deemed Reserved Forest (Restored Private Forest Area u/s. 22A of MPF (Acq.) Act, 1975)
					69/5/A/pt	2.000	
					69/2/A	1.140	
					69/2/B	0.810	
					70/2/pt.	1.130	
					70/3	1.370	
					69/3	1.275	
					69/5/A/pt.	1.020	
					69/5/B	0.450	
					69/6	0.670	
					70/2/pt.	0.330	
Total Forest Area (in ha.)						10.685	

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

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

Date: 19/08/2022

Place: Nagpur

Proposal for diversion of 10.685 ha. restored area u/s. 22-A of Maharashtra Private Forest (Acquisition) Act, 1975 of Private Forest for non forest purpose of Survey No.69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 of village Walshet, Tal. Shahapur, Dist. Thane in the State of Maharashtra (FP/MH/OTHERS/120843/2021).

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 Chief Conservator of Forests (T), Thane vide letter dated 29/05/2019 has submitted proposal for diversion of 10.685 ha. restored area u/s. 22-A of Maharashtra Private Forest (Acquisition) Act, 1975 of Private Forest for non forest purpose of Survey No.69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 of village Walshet, Tal. Shahapur, Dist. Thane in the State of Maharashtra.
- 2) The proposed land is restored private forest land which is restored on 29/08/1980, i.e. before commencement of Forest (Conservation) Act, 1980. Deputy Collector (Private Forest), Shahapur restoration order dated 29/08/1980 and proceeding of Register copy is enclosed on file page no.79 to 73. In this regard, the User Agency has submitted proposal under Forest (Conservation) Act, 1980, for diversion of 10.685 ha. Restored Private Forest Area u/s. 22 A.
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- 5) As per directions issued by the Government of Maharashtra vide letter No. S-30/2008/C.R.281/Part-1/F-3, dated 08/12/2017 Government of Maharashtra specifically issued following directions:-

- 1) जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या 22-अ अंतर्गत दिनांक 25.10.1980 पूर्वी पुनःस्थापित झालेले आहेत किंवा दिनांक 25.10.1980 नंतर वन (संवर्धन) अधिनियम, 1980 अंतर्गत केंद्र शासनाच्या पूर्व परवानगीने पुनःस्थापित झाले आहे, अशा क्षेत्राच्या पुनःस्थापनेनंतर खरेदी-विक्री करण्यास वन विभागातर्फे कोणतेही बंधन राहणार नाही. मात्र सदर जमीनीचा वनेतर वापर करावयाचा झाल्यास त्यासाठी वन (संवर्धन) अधिनियम, 1980 अंतर्गत केंद्र शासनाची पूर्व परवानगी घेणे संबंधितांवर बंधनकारक राहील.

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restored land for non-forestry purpose prior permission under Forest (Conservation) Act, 1980 is mandatory.

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- 7) The details of land proposed for diversion are as under:-

Sr.No.	Item of works/ purpose	Name of Village	Taluka	District	Survey No.	Area (in ha.)	Legal Status
1	Construction of Residential Project	Walshet	Shahapur	Thane	69/4	0.490	Deemed Reserved Forest (Restored Private Forest Area u/s. 22A of MPF (Acq.) Act, 1975)
					69/5/A/pt	2.000	
					69/2/A	1.140	
					69/2/B	0.810	
					70/2/pt.	1.130	
					70/3	1.370	
					69/3	1.275	
					69/5/A/pt.	1.020	
					69/5/B	0.450	
					69/6	0.670	
70/2/pt.	0.330						
Total Forest Area (in ha.)						10.685	

- 8) The proposal has been initiated by the Project Authority, Shri. Sumeet R.Bhalotia and others has submitted the proposal for seeking permission to use Restored private forest land for non forest purpose of Survey No.69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 of village Walshet, Tal. Shahapur, Dist. Thane in the State of Maharashtra.
- 9) The site inspection report of the Deputy Conservator of Forests, Shahapur Forest Division, Shahapur is enclosed on page no.49 to 51.
- 10) **Remarks of APCCF (Conservation) M.S.Nagpur regarding status of forest land involved:-**

Government of Maharashtra vide letter No.S-30/2008/C.R.281/Part-I/F-3, dated 08/12/2017 issued directions mentioned below:-

- a) The area restored u/s 22 A before 25.10.1980 or area restored after 25.10.1980 with the prior permission from Government of India, there will be no restrictions for sale/purchase of the restored area by Forest Department. However, using restored land for non-forestry purpose prior permission under Forest Conservation Act, 1980 is mandatory.

“जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या 22-अ अंतर्गत दिनांक 25.10.1980 पुर्वी पुनःस्थापित झालेले आहेत किंवा दिनांक 25.10.1980 नंतर वन (संवर्धन) अधिनियम-1980 अंतर्गत केंद्र शासनाच्या पूर्व परवानगीने पुनःस्थापित झाले आहे, अशा क्षेत्राच्या पुनःस्थापनेनंतर खरेदी-विक्री करण्यास वन विभागातर्फे कोणतेही बंधन राहणार नाही. मात्र सदर जमिनीचा वनेतर वापर करावयाचा झाल्यास त्यासाठी वन (संवर्धन) अधिनियम, 1980 अंतर्गत केंद्र शासनाची पूर्व परवानगी घेणे संबंधितावर बंधनकारक राहील.”

- b) The Private Forest area restored u/s 22A or released u/s 6 after 25.10.1980 without prior permission of Government of India. The said order issued u/s 6 and section 22A of Maharashtra Private Forest (Acquisition) Act, 1975 are against the rule and illegal in nature, therefore sale and purchase of the restored Private Forest is prohibited.

“जे क्षेत्र दिनांक 25.10.1980 नंतर केंद्र शासनाच्या पूर्व परवानगी शिवाय महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या कलम 6 अंतर्गत मुक्त किंवा 22-अ अंतर्गत पुनःस्थापित झाले असेल, असे आदेश मुळतः नियमबाह्य असल्यामुळे विधीग्राह्य ठरत नाही. अशा क्षेत्राची खरेदी विक्री करता येणार नाही.”

- c) The Private Forest area which is pending for enquiry u/s 6 and 22 A of Maharashtra Private Forest (Acquisition) Act, 1975 has legal status of ‘deemed reserved forest’. Therefore sale/purchase of this area is prohibited.

“जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 कलम 6 व कलम 22-अ खाली चौकशीवर प्रलंबित असतील, अशा क्षेत्राचा वैधानिक दर्जा सदःस्थिती मानीव राखीव वन असल्यामुळे त्या क्षेत्राची खरेदी-विक्री करता येणार नाही.”

- d) The sale/purchase transaction of the area which is pending for enquiry under section 6 and 22 A of Maharashtra Private Forest (Acquisition) Act, 1975, is against the rules and illegal in nature.

“ ज्या क्षेत्राची खरेदी-विक्री कलम 6 व कलम 22 अ खालील चौकशी प्रलंबित असतांना करण्यात आलेली असेल तर असे व्यवहार नियमबाह्य असल्याने ते विधीग्राह्य ठरत नाही.”

- e) The Private Forest area which is restored under section 22 A of Maharashtra Private Forest (Acquisition) Act, 1975 needs prior approval from Government of India under Forest Conservation Act, 1980 for non forestry use. Therefore, concerned Revenue Authorities should not give NA permission/ construction permission. Tree Officers should not issue felling permission for trees standing on this area.

“ महाराष्ट्र खाजगी वने (संपादन) अधिनियम, 1975 च्या 22-अ अंतर्गत पुनःस्थापित झालेल्या जमिनीचा वनेतर वापर करावयाचा असल्यास त्यासाठी वन (संवर्धन) अधिनियम, 1980 अंतर्गत केंद्र शासनाची पूर्व परवानगी घेणे बंधनकारक असल्यामुळे, अशा प्रकरणात संबंधित महसूल प्राधिका-यांनी अकृषक परवाने/ बांधकाम परवाने देऊ नयेत. तसेच वृक्ष अधिका-यांनी अशा क्षेत्रावरील वृक्षतोडीस परवानगी देऊ नये.”

- f) The FC Act prohibits only the change in land use by the owner (Government or private) having control over the forest land. The FC Act does not prohibit the

change in ownership of private forest by way of sale and transfer as per relevant provisions in the state as long as there is no change in land use of forest. Any change in land use from forest to non forest after 25.10.1980 shall be as per the provisions of Forest (Conservation) Act, 1980.

“ वन संवर्धन अधिनियमाद्वारे भूधारकाने त्यांच्या अधिनस्त वनक्षेत्राच्या जागेच्या वापरामध्ये बदल करणे प्रतिबंधित केलेले आहे. परंतु सदर कायदान्वये खाजगी वनाच्या मालकीमध्ये विक्रीद्वारे मालकी बदलणे प्रतिबंधित नाही, जोपर्यंत सदर क्षेत्राच्या वापरामध्ये बदल होत नाही. त्यामुळे अशा प्रकारे वनक्षेत्राच्या वनेतर वापरासाठी दि.25.10.1980 नंतर बदल करण्यासाठी वनसंवर्धन अधिनियम, 1980 मधील तरतुदी लागू राहतील. ”

As the proposed land under project is Restored Private Forest land prior to 25.10.1980 the legal status is “Forest”. Hence, permission of GOI is needed for diversion of this land.

11) The Deputy Conservator of Forests, Shahapur Forest Division, Shapur has certified that:-

- 1) The area belongs to Eco-value class-I having density is below 0.1 (Open Forest).
- 2) There are 346 trees of various species required to be felled for implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm.								Total
0-30 cm	31-45 cm	46-60 cm	61-75 cm	76-90 cm	91-120 cm	121-150 cm	Above 150 cm	
64	130	111	27	10	3	0	1	346

- 3) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4) There is no violation of Forest (Conservation) Act 1980.
- 5) Proposed project is within 10 kms. of Tansa Wildlife Sanctuary. The Principal Chief Conservator of Forests (Wildlife) Maharashtra state vide office note no. Desk 23(2)/Wildlife/Survey/C.R.44(2021-22)/833, Dated 22/07/2021 has informed that the Wildlife Clearance would be required to the project.
- 6) 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.
- 7) Proposed Compensatory Afforestation over 11.34 ha. non forest land in Gut No. 135,858 at Village Manjutri and Durgevadi, Tal. Chiplun, Dist. Ratnagiri it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

12) The User Agency has submitted an undertaking that:-

- 1) The User Agency has submitted an undertaking to deposit the cost of Net Present Value

- 2) The User Agency has submitted an undertaking to deposit the cost of Compensatory Afforestation.
- 3) The User Agency has to obtain Environmental Clearance of SBWL & NBWL after Stage-I approval.
- 4) 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 formal approval as per Government of India vide letter No.11-43/2013-FC, dt.3/12/2018.
- 5) The Development plant is enclosed on file page No.158
- 6) The copy of the restoration order accorded by the Deputy Collector (Private Forest), Shahapur vide letter dated 29/08/1980 and proceeding of Register copy is enclosed on file page no.79 to 73.
- 13) As per form A Part-II, the Deputy Conservator of Forests, Shahapur Forest Division, Shahapur has recommended this proposal for sanction for diversion of 10.685 ha. of Restored Private Forest land.
- 14) As per form A Part-III, Chief Conservator of Forest (T), Thane has recommended the proposal for approval for diversion of 10.685 ha. of Restored Private Forest land.

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

1) Compensatory Afforestation :-

- a) Compensatory afforestation shall be taken up by the Forest Department over 11.34 ha. non forest land in Gut No. 135,858 at Village Manjutri and Durgevadi, Tal. Chiplun, Dist. Ratnagiri 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) 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.

3) NPV:-

- a) The State Government shall charge the Net Present Value(NPV) for the 10.685 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.

- 4) The cost of felling of trees, if any, shall be deposited by the User Agency with the State Forest Department.
- 5) The complete compliance of the FRA, 2006 shall be submitted in prescribed certificate from the concerned District Collector.
- 6) The User Agency shall obtain Environmental Clearance, if required.
- 6) All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- 7) 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