

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 14.93 ha. Restored Private Forest land for construction Residential project for non-Forest activities i.e. Area under Amenity, Area under layout Road, Open Space, Area under net plot in Village Valiv, Tal. Vasai, Dist. Palghar in the State of Maharashtra (FP/MH/OTHERS/26572/2017).

No.: Desk-17/Nodal/Thane/ID- 12645(66)/363 /2023-24
Nagpur – 440 001, Dated :- 04/05/2023

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

The Project Authority, Shokinkumar Shankarlal Jain, 303/33, second floor, Thakur, Station Road, Virar (West), Mumbai has submitted proposal for diversion of 14.93 ha. Restored Private Forest land for construction Residential project for non-Forest activities i.e. Area under Amenity, Area under layout Road, Open Space, Area under net plot in Village Valiv, Tal. Vasai, Dist. Palghar in the State of Maharashtra.

- 2) The restoration order for area 14.93 ha. dated 26/09/1994 passed by the Sub-Divisional Officer, Bhiwandi Division, Bhiwandi to Shri. Jasraj Nandalal Jain and others 3 has been attached with this proposal. In this regard, the User Agency has submitted proposal under Forest (Conservation) Act, 1980 for diversion of 14.93 ha. Restored Private Forest Area u/s. 22A.
- 3) The said proposal is proposed for diversion of 14.93 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.
- 4) (a) The User Agency has given undertaking and mentioned that the 15.58 ha. Non forest land at Village Furus, Tal. Chiplun, Dist. Ratnagiri will be provide for this project for compensatory afforestation.
(b) The User Agency has given an undertaking to pay Net Present Value with revised rate structure which will be Rs.1,66,75,317/- and.
(c) The User Agency has given an undertaking to pay fund for compensatory afforestation for 10 years as per current rate structure which will be Rs.1,25,40,093/-
- 5) With reference to this proposal, the Government of Maharashtra vide letter No. FLD-12/2019/CR-671/F-3, dated 02/07/2020 requested to grant approval of the Central Government for the application under section 22-A of Maharashtra Private Forest

updated

(Acquisition) Act, 1975. The Government of India vide letter No. FC/Misc-250/RON/2020-NGP/7119, dated 04/09/2020 has given direction to the State Government, if the User Agency desires to divert said forestland 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.

6) The details of the forest land proposed for diversion are as under:-

Sr. No	Item work purpose	District	Name of Village	Taluka	Survey /Gut No.	Area (in ha.)	Legal Status
1	Existing construction of Ice factory i.e. prior to 1980	Palghar	Valiv	Vasai	40	0.36	Deemed Reserve Forest (Restored Private Forest Area u/s. 22-A MPF/ (Acq.) Act 1975
2	Area under Amenity					0.7285	
3	Area under layout Road					1.6253	
4	Open Space					2.9140	
5	Area under net plot					9.3022	
Total Forest Area (in ha.)						14.93	

- 7) The proposal has submitted by Shri. Shokinkumar Shankarlal Jain has submitted proposal for diversion of 14.93 ha. Restored Private Forest land for construction Residential project of non-Forest activities i.e. Area under Amenity, Area under layout road, Open Space, Area under net plot in Village Valiv, Tal. Vasai, Dist. Palghar in the State of Maharashtra
- 8) The site inspection report of the Deputy Conservator of Forests, Thane Forest Division, Thane is enclosed file page No.38 to 40.
- 9) No alternate alignment is possible and the forest land required is lowest minimum.
- 10) The area belongs to Eco-value class-I having density up to 0.3
- 11) There are 735 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
0	0	175	234	162	93	53	14	4	735

- 12) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 13) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 14) There is violation of Forest (Conservation) Act, 1980. The User Agency 0.36 ha. out of 14.93 ha. restored private forest area has been done violation.

- 15) Proposed project is at a distance of 1.5 Km from Tungreshwar Wildlife Sanctuary.
- 16) The proposed Compensatory Afforestation over 15.58 ha. Non forest land in Gut No.875/2 at Village Firus, Tal. Chiplun, Dist. Ratnagiri contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 17) The copy of the restoration order accorded by the Sub-Divisional Officer, Bhiwandi Division, Bhiwandi vide letter No.Rev/PF/Valiv/Enquiry/No.1/92, dated 26/09/1994
- 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 14.93 ha. of Restored Private Forest land.

2.0 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 Compensatory afforestation:-

(a) Compensatory afforestation shall be taken up by the Forest Department over 15.58 ha. Non forest land in Gut No.875/2 at Village Firus, 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.

2.3 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 scheme for 10 years with sufficient funds for watch and ward and fencing of CA area duly approved by competent authority shall be submitted to IRO, MoEF&CC, Nagpur along with compliance report. The scheme may also include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

2.4 NPV:

- a) The State Government shall charge the Net Present Value (NPV) for the 14.93 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.
- 2.5 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;
- 2.6 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>);
- 2.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- 2.8 To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 5,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted in the vicinity of project area and remaining 50% of seedlings shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation/ seedling distribution to villagers;
- 2.9 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- 2.10 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- 2.11 The layout plan of the proposal shall not be changed without prior approval of Central Government;
- 2.12 No labour camp shall be established on the forest land;

- 2.13 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;
- 2.14 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;
- 2.15 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- 2.16 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;
- 2.17 The forest land shall not be used for any purpose other than that specified in the project proposal;
- 2.18 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- 2.19 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 Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- 2.20 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 offorests & wildlife;
- 2.21 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>);

3.0 It is therefore, requested that Government of Maharashtra may kindly recommended the proposal for approving for diversion of 14.93 ha. Restored Private Forest land for construction Residential project for non-Forest activities i.e. Area under Amenity, Area under layout road, Open Space, Area under net plot in Village Valiv, Tal. Vasai, Dist. Palghar 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 Forests (T), Thane for information.

Copy to the Deputy Conservator of Forests, Thane/Dahanu for formation.

Copy to the Project Authority, Shokinkumar Shankarlal Jain, 303/33, second floor, Thakur, Station Road, Virar (West), Mumbai for information.

4/5/23.

04/05/2023
ON

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 14.93 ha. Restored Private Forest land for construction Residential project for non-Forest activities i.e. Area under Amenity, Area under layout Road, Open Space, Area under net plot in Village Valiv, Tal. Vasai, Dist. Palghar in the State of Maharashtra (FP/MH/OTHERS/26572/2017). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Name of Village	Taluka	Survey /Gut No.	Area (in ha.)	Legal Status
1	Existing construction of Ice factory i.e. prior to 1980	Palghar	Valiv	Vasai	40	0.36	Deemed Reserve Forest (Restored Private Forest Area u/s. 22-A MPF/ (Acq.) Act 1975
2	Area under Amenity					0.7285	
3	Area under layout Road					1.6253	
4	Open Space					2.9140	
5	Area under net plot					9.3022	
Total Forest Area (in ha.)						14.93	

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: 04/05/2023

Place: Nagpur

(158)

Proposal for diversion of 14.93 ha. Restored Private Forest land for construction Residential project for non-Forest activities i.e. Area under Amenity, Area under layout Road, Open Space, Area under net plot in Village Valiv, Tal. Vasai, Dist. Palghar in the State of Maharashtra (FP/MH/OTHERS/26572/2017)

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 is for diversion of 14.93 ha. Restored Private Forest land for construction Residential project for non-Forest activities i.e. Area under Amenity, Area under layout road, Open Space, Area under net plot in Village Valiv, Tal. Vasai, Dist. Palghar in the State of Maharashtra (FP/MH/OTHERS/26572/2017) has been initiated by the Project Authority, Shokinkumar Shankarlal Jain, 303/33, second floor, Thakur, Station Road, Virar (West), Mumbai for seeking approval under FCA 1980.
- 2) The restoration order for area 14.93 ha. dated 26/09/1994 passed by the Sub-Divisional Officer, Bhiwandi Division, Bhiwandi to Shri. Jasraj Nandalal Jain and others 3 has been attached with this proposal. In this regard, the User Agency has submitted proposal under Forest (Conservation) Act, 1980 for diversion of 14.93 ha. Restored Private Forest Area u/s. 22A.
- 3) The said proposal is proposed for diversion of 14.93 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.
- 4) (a) The User Agency has given undertaking and mentioned that the 15.58 ha. Non forest land at Village Furus, Tal. Chiplun, Dist. Ratnagiri will be provide for this project for compensatory afforestation.
(b) The User Agency has given an undertaking to pay Net Present Value with revised rate structure which will be Rs.1,66,75,317/- and. P/152611c
(c) The User Agency has given an undertaking to pay fund for compensatory afforestation for 10 years as per current rate structure which will be Rs.1,25,40,093/-
- 5) With reference to this proposal, the Government of Maharashtra vide letter No. FLD-12/2019/CR-671/F-3, dated 02/07/2020 requested to grant approval of the Central Government for the application under section 22-A of Maharashtra Private Forest (Acquisition) Act, 1975. The Government of India vide letter No. FC/Misc-250/RON/2020-NGP/7119, dated 04/09/2020 has given direction to the State Government, if the User Agency desires to divert said forestland 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.

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8) The site inspection report of the Deputy Conservator of Forests, Thane Forest Division, Thane is enclosed file page No.38 to 40.

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

10) The area belongs to Eco-value class-I having density up to 0.3

11) There are 735 trees of various species and trees involved in implementation of the project. The Girth wise break up is as under:-

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15) Proposed project is at a distance of 1.5 Km from Tungreshwar Wildlife Sanctuary.

16) The proposed Compensatory Afforestation over 15.58 ha. Non forest land in Gut No.875/2 at Village Furus, Tal. Chiplun, Dist. Ratnagiri contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

17) The copy of the restoration order accorded by the Sub-Divisional Officer, Bhiwandi Division, Bhiwandi vide letter No.Rev/PF/Valiv/Enquiry/No.1/92, dated 26/09/1994

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 14.93 ha. of Restored Private Forest land. *p19 to 12*

2.0 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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(a) Compensatory afforestation shall be taken up by the Forest Department over 15.58 ha. Non forest land in Gut No.875/2 at Village Furus, 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.

2.3 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 scheme for 10 years with sufficient funds for watch and ward and fencing of CA area duly approved by competent authority shall be submitted to IRO, MoEF&CC, Nagpur along with compliance report. The scheme may also include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

2.4 NPV:

a) The State Government shall charge the Net Present Value (NPV) for the 14.93 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.

2.5 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;

2.6 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>);

2.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;

2.8 To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's)

and in consultation with local DCF shall raise at least 5,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted in the vicinity of project area and remaining 50% of seedlings shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation/ seedling distribution to villagers;

- 2.9 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- 2.10 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- 2.11 The layout plan of the proposal shall not be changed without prior approval of Central Government;
- 2.12 No labour camp shall be established on the forest land;
- 2.13 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;
- 2.14 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;
- 2.15 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- 2.16 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;
- 2.17 The forest land shall not be used for any purpose other than that specified in the project proposal;
- 2.18 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- 2.19 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 Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- 2.20 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 offorests & wildlife;
- 2.21 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>);

3.0 It is therefore, requested that Government of Maharashtra may kindly recommended the proposal for approving for diversion of 14.93 ha. Restored Private Forest land for construction Residential project for non-Forest activities i.e. Area under Amenity, Area under layout road, Open Space, Area under net plot in Village Valiv, Tal. Vasai, Dist. Palghar in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.


(Dr. Y.L.P Rao)

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

Handwritten notes:
9/10/2022
02/05/2022
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