

PART-IV

(To be filled up by the Nodal Officer or Principal Chief Conservator of Forests or Head of the Forest Department)

1. Detailed opinion and specific recommendations of the State Forest Department for acceptance or otherwise of the proposal with detailed reasons.

Specific recommendation of PCLF (Hoff)
ms Nagpur is attached on page No. 23A:

Ward
14/12/18

Addl. Principal Chief Conservator of Forests
And Nodal officer
Maharashtra State, Nagpur

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

Additional Principal Chief Conservator of Forests & Nodal Officer, M. S. Nagpur
1st floor, B wing, Vanbhavan, Civil Line, Nagpur-440001
E-Mail- apccfnodal@mahaforest.gov.in, Phone No. (0712) 2556916, Fax- (0712) 2550675

Sub:- Diversion of 0.17 ha of reserved forest land for
construction of approach road to access the
land of User Agency in Pune district. ✓

M/s. Liebherr CMCTec India Private Ltd

No. : Desk-17/NC/II/ID 12411/(16)/ 1705 /15-16
Nagpur – 440 001, Dated: 14/12/2015

To

Secretary (Forests), ✓
Revenue and Forest Department, ✓
Mantralaya Mumbai ✓

M/s. Liebherr CMCTec India Private Ltd., Gut. No. 196-199, Dhygudewadi NH-9, Tal. Daund, Dist Pune has submitted a proposal for diversion of 0.17 ha of reserved forest land for construction of approach road to access the land of User Agency in Pune district. The details of land proposed for diversion is as under- ✓

Village	Taluka	Dist.	Gut. No	Legal Status	Area in Ha.
Boripardhi	Daund	Pune	464 ✓	Reserved Forest ✓	0.17 ✓

The project has been initiated by M/s. Liebherr CMCTec India Private Ltd., Gut. No. 196-199, Dhygudewadi NH-9, Tal. Daund, Dist Pune. Proposed land is declared as 'Reserved Forest' in the year 1879. After that, Reserved Forest land of Pune district were handed over to Revenue Department for using it as pasture land vide Government of Maharashtra resolution 17/11/1902. Government of Maharashtra vide circular No. FLD 1076/110/F-3 dated 04/08/1976 had directed to hand over such forest land back to Forest Department. As per this direction, Collector Pune vide letter No. PMF-1/KAVI/944/09 dated 10/06/2009 has instructed Sub Divisional Officer, Pune to revert back this land to Forest Department which was physically handed over to Forest Department on 05/07/2009 by Revenue Department. ✓

User Agency M/s Liebherr CMCTec (I) Pvt. Ltd has purchased 54 acres private area to setup a manufacturing unit and had constructed road of dimension 1114 x 15 meter over old Shirur-Satara State Highway No. 118 to access its premises through village shiv-road between villages Boripardhi – Deulgāonwada which was of dimension 1004 x 5 meters. On 05/7/2009. The land bearing forest Gut No. 464 was handed over to Forest Department by Revenue Department. User Agency stated that they were not aware of these changes made among the departments; and till the completion of road none of the department objected to this construction. ✓

User Agency has constructed this road between period 20/10/2008 to 28/04/2009 i.e. before the land was handed over to Forest Department by Revenue Department. The offence was registered on 09/08/2012 and User Agency was stopped to use this road and their entry was prohibited. Hence, User Agency has submitted the proposal under Forest (Conservation)

Act, 1980 for diversion of forest land for non forestry use. Total non-forest land involved in this project is 1.50 Ha.

2) 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 are enclosed in Triplicate.

- 1) Prescribed form dated 10/01/2003.
- 2) The Deputy Conservator of Forests, Pune has stated that no alternate alignment is possible and the forest land required is the barest minimum.
- 3) No cutting and felling of trees is involved in implementation of the project.
- 4) Deputy Conservator of Forests, Pune has mentioned that there is a violation of Forest (Conservation) Act 1980. However, it is not violation of Forest (Conservation) Act, 1980 but violation of Indian Forest Act, 1927 as the agency is a private entity. It is further stated that the no action is proposed on staff because at the time land was in the possession of Revenue Department which is handed over on 05/07/2009.
- 5) The area involved does not form part of any existing National Park, Wildlife Sanctuary, and the Nature Reserve etc. as certified by the Deputy Conservator of Forests, Pune.
- 6) The User Agency has submitted the compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Right) Act 2006.
- 7) The proposed area belongs to Eco-value class-III and open forest.
- 8) The User Agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.
- 9) The Deputy Conservator of Forests, Pune has certified that the proposed project is within 10 km of the boundaries of the Protected Area. (Mayureshwar Wildlife Sanctuary, Supe).
- 10) The Deputy Conservator of Forests, Pune has certified that 1.00 ha. degraded forest land in Gut No. 464 at village Boripardhi, Ta. Daund, Dist. Pune proposed for compensatory afforestation is suitable for plantation and free from encroachment. Map is enclosed in the proposal on page no. 118A.
- 11) The Deputy Conservator of Forests, Pune has certified that the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 12) The Deputy Conservator of Forests, Pune has certified that the non-forest area proposed for the project is neither deemed Reserved Forest under the Maharashtra Private Forests (Acquisition) Act, 1975 nor it has been identified as "Forests" as envisaged in the interim order given by the Honorable Supreme Court dated 12/12/1996.
- 13) Deputy Conservator of Forests and User Agency have informed that forest area of alternative 1 is 0.17 Ha., forest area of alternative 2 is 0.040 Ha. and forest area of alternative 3 is 1.02 Ha.

Area of the alignment 2 is less but construction of road is not feasible due to steep slope, while alignment No. 3 requires felling of trees and covers more forest area so unsuitable, along alignment No. 1 no felling of tree is involved and required forest land is barest minimum & unavoidable. Forest land lies exactly in between existing village road and the farm land. Hence, Alternative one is recommended for this project.

- 14) The Deputy Conservator of Forests, Pune has recommended the proposal for approval.
- 15) The Chief Conservator of Forest, Pune has stated that, 'The company is using the road by doing violation. They may be allowed the access through forest land only on the condition that agency provide money for chain link fencing of the forest Gut No. 464. Otherwise, proposal is not recommended'.

In view of this, the proposal is recommended for approval under section 2 (ii) of 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 the User Agency on 1.00 Ha. of degraded forest land made available by the Forest Department.
- iii. Penal compensatory afforestation will be raised at the cost of the User Agency on 0.17 Ha. of degraded forest land made available by the Forest Department.
- iv. The forest land shall not be used for any purposes other than specified in the project.
- v. The User Agency will defray the cost of Net Present Value of 0.17 Ha. of forest land as per the latest guideline of Government of India.
- vi. The User Agency will defray the additional / revised cost of Net Present Value of forest land as per the latest Guideline of Government of India.
- vii. The User Agency will pay the cost for raising road side plantation of the forest land proposed for diversion.
- viii. The User Agency will pay the cost for providing chain link fencing of the forest Gut No. 464.
- ix. Any other conditions imposed by Government will be binding to User Agency.
- x. Provisions of all Acts, Rules made thereunder and guidelines applicable to the project shall have to be strictly followed.

It is therefore, requested that the Government of India may kindly be moved for diversion of 0.17 ha of reserved forest land for construction of approach road to access the land of User Agency in Pune district under section 2(ii) of the Forest (Conservation) Act, 1980.

Encl.:- As above

12/12/15
14/12/15
**Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur.**

12/12/15
Copy to Chief Conservator of Forests (T), Pune for information.

Copy to Deputy Conservator of Forests, Pune for information.

Copy to M/s. Liebherr CMCTec India Private Ltd., Gut. No. 196-199, Dhygudewadi NH-9, Tal. Daund, Dist Pune for information.

Construction of approach road to access the land of M/s Liebherr CMCTec (I) Pvt Ltd.
Specific Recommendation of Principal Chief Conservator of Forests,
Maharashtra State (Head of Forest Force) with regards to acceptance or
otherwise of the proposal supported by reasons.

- 1) The proposal is for diversion of 0.17 ha of reserved forest land for construction of approach road to access the land of User Agency in Pune district. The details of land proposed for diversion is as under.

Village	Taluka	Dist.	Gut. No	Legal Status	Area in Ha.
Boripardhi	Daund	Pune	464	Reserved Forest	0.17

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