

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE), MAHARASHTRA STATE

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,

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No. Desk-17/Nodal/Dhule/ID-13054/1017/2022-23

Nagpur - 440 001, Date : 22/07/2022

To,

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

**Subject:-** Proposal for diversion of 6.295 ha. Forest land 24.00 mtr. & 30.00 meter ROW for Upgradation under section-2 of the forest (Conservation) Act, 1980 for Rehabilitation and Upgradation of Pahur-Jamner Bodhwad-Muktainagar-Barhanpur (Km. 0+000 to km. 78+145, NH-752 L) to two lane with paved shoulder, Tal. Jamner, Dist Jalgaon in the State of Maharashtra. (FP/MH/ROAD/124762/2021)

The Conservator of Forests (T.), Dhule on dated 28/10/2021, dt.21/0/2022 and dt. 04/07/2022 has submitted proposal for diversion of 6.295 ha. Forest land 24.00 mtr. & 30.00 meter ROW for Upgradation under section-2 of the forest (Conservation) Act, 1980 for Rehabilitation and Upgradation of Pahur-Jamner Bodhwad-Muktainagar-Barhanpur (Km. 0+000 to km. 78+145, NH-752 L) to two lane with paved shoulder, Tal. Jamner, Dist Jalgaon in the State of Maharashtra. (FP/MH/ROAD/124762/2021)

2.00 The detailed area statement of forest land is shown as under:- (FPNo. 43)

Rehabilitation and Upgradation of "Pahur-Bharhanpur Road Section-I PAHUR-JAMNER-BODHWAD, from Km.0+000 to Km.44+760 (Design Chainage) NH-753 L" to Two Lane with paved Shoulder															
Sr. No	Compt wise Brakup	Forest Division	District	Taluka	Village	Start Km.	End. Km.	Compt No.	Gat No.	Width in M.	Length in M.	Forest area in sqm.	Non Forest Area in Ha.	Non Forest Area in Ha.	Rem ark
1.	Statemen t -1 Road Widening cum	Jalgaon	Jalgaon	Jamner	Jamner	20.850	21.000	487	857	09	150	1,350	0.135	0	RF
2	Segment- 1 Road	Jalgaon	Jalgaon	Jamner	Jamner	21.775	22.775	487	856	28	1,675	46,900	4.69	0	RF
3	Segment- 1 Road Widening cum	Jalgaon	Jalgaon	Jamner	Sonari	22.775	23.300	483	270	28	525	14,700	1.47	0	RF



4	Non Forest Area Involved in Project Jalgaon District	0	0	0	0			0	0	0	0		0	3.014	Private Land & Land Acquisition Completed The Gazette of India
											2,350	62,950			
Area in Ha.Jalgaon Forest Division													6.295	3.014	

3.00 The total non-forest area involved in the project is 3.014 ha. (FPNo. 43) The site inspection report of the Deputy Conservator of Forests, Jalgaon Forest Division, Jalgaon is enclosed in the proposal **file on page no.99 to 103.**

4.00 The Government has undertaken the up - gradation of the newly declared National Highway Pahur - Jamner - Bodwad ( NH- 753 L ). Thus the project is Rehabilitation and Up - gradation of the newly declared National Highway, Pahur Jamner - Bodwad ( NH- 753 L ) starts from Pahur at grade junction of Km stone 0/0 of SH-186 and ends at Bodwad Km 45 + 000 to two lane with paved shoulders / four lane configuration in the State of Maharashtra.

This highway is interstate road and an important link between the State of Maharashtra & Madhya Pradesh. The road passes through forest area with less road width which causes accident prone zone. There are lots of curve improvements on the road passing through forest area to avoid accidents. Presently, road passes through agriculture area and lots of agriculture products transport through the project road . Some small and large agro product industries / factories are located on this road which further connects to several districts of the state. As per standard of National Highway the Rehabilitation and Up - gradation of the road is required in the forest area for curve improvements and widening. So, There is requirement of diversion of forest land for Rehabilitation and Up - gradation of the newly declared NH. The up gradation will help to improve the better and economical route to travel from Pahur to Bodwad.

The forest area required for the non - forest use i.e. Road development is 6.295 ha. The total capital cost of the project is Rs. 157.00 / - Crores only ( Rs. - One Hundred Fifty Seven Crores only ).

**The details of the needs and benefits from the project area as follows:-**

1. This road connectivity can reduce travel time, lower the cost of vehicle use, increase access to market area, education and health services and reduce transport costs for both freight and passengers. Thus helping development of investment is agro - product industries sector in the vicinity of the Project.
2. The project is seen as a major generator of economic momentum and small benefit in a very significant way through better access and connectivity to the cities and industrial estates.



3. The project in connection with other state policies and initiative or expected to assist to industrial development bottlenecks. Reduce transportation cost and thereby benefit all sections of the society.
  4. The foremost benefit for the local communities would be the increased levels of income. The project while giving opportunity for correct development for skilled & unskilled persons shall also provide indirect opportunity to thousands of people in industrial as well as social sector. Hence it is requested that the proposal may please be recommended for sanction to concern authority as early possible. (Project Note submitted by the project Authority is enclosed in the **PPN. 105 to 106**)
- 5.0 The Deputy Conservator of Forests, Jalgaon Forest Division, Jalgaon and the Conservator of Forests (T), Dhule have recommended the proposal for diversion of 6.295 ha. of forest land. **(File Page No.**
- 6.0 **The Deputy Conservator of Forests Jalgaon Forest Division, Jalgaon has certified that:-**
- 6.1 No suitable alternate non forest land is available **(P.P. No. 51)**
  - 6.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by the User Agency. **(P.P.No. 53 to 54 )**
  - 6.3 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. **(P.P.No.72)**
  - 6.4 As per clause 2.6 of the Handbook under the FCA, 1980. The Special provisions for CA For Certain categories of projects is as under:-
    - (i) In the following cases, cost of plantation (including ten years maintenance) of ten Times. The number of tree likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation.
  - 6.5 The proposed project area belongs to Eco value Class -III having Density 0.4 (Tropical Dry Decidious) **(P.P. No.05 & 99)**
  - 6.6 There are 1363 trees cutting and felling involved in the project. Girth wise details is as under:- **(P.P. No. 79 & 104 )**

Tree Girth in Cm.						
0-30	31-60	61-90	91-120	121-150	150	Total
14	921	316	75	29	08	1336



- 6.7 The proposed project is not included in any National Park or Wild Life Sanctuary or Nature reserve. (Page No. 74). The Yawal WLS is beyond 10 kms from the Forest area proposed for diversion (P.P No. 100)
- 6.8 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (P.P No.73)
- 6.9 No identified forest land or acquired forest land area is selected for compensatory afforestation. PPP. 71
- 6.10 The total Compensatory Afforestation over 13.00 ha. double degraded forest land details, are as under (P.P. No. 59)

Sr.No.	Degraded land							
	District	Taluka	Range	Round	Bit	Comp. No.	Area in Sqmt.	Area in Ha.
1	Jalgaon	Jamner	Pachora	Nandra	Asankheda	427	1,30,000.00	13.00
						<b>Total</b>	1,30,000.00	<b>13.00</b>

This is to certify that the said land is found suitable for taking compensatory afforestation. The area is free from encroachment.

**7.0 The User Agency has submitted the following undertaking/documents:-**

- 7.1 Agreed to bear the cost of clearance/removal of the vegetation growth from the proposed forest land. (P.P.No-77)
- 7.2 Agreed to bear the cost of Net Present Value. (P.P.No 75 to 76)
- 7.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guideline Regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act,2006. As per these guidelines:-

*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF&CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has be to furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*

Hence, the User Agency has given an undertaking regarding the compliance under the scheduled Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in- principle approval.

- 7.4 The proposal has been accorded the Administrative and, Technical approval. Expenditure Sanction by the Competent Authority. Copy of the same is enclosed in (P.P.No 129 to 133.)
- 7.5 Agreed to defray the cost of Compensatory Afforestation. (P.P.No -60)



7.6 The KML file of the proposed diverted area and C.A area is placed in the file at the top.

**8.00 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:-**

8.1 Legal status of the diverted forest land shall remain unchanged:

8.2 As per clause 2.6 of the Handbook under the FCA, 1980. The Special provisions for CA for certain categories of projects is as under:-

**(A) Compensatory Afforestation :-**

Compensatory afforestation shall be taken up by the Forest Department over 13.00 ha. double degraded forest land in Compartment No. 427, Range-Pachora, Round- Nandra, Beat- Asankheda Of Taluka -Jamner, District Jalgaon 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.

**(B)** The cost of plantation (including ten years maintenance) of ten times the number of Trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the User Agency towards compensatory afforestation.

8.3 The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

**8.4 NPV:-**

(c) The State Government shall charge the Net Present Value (NPV) for the 6.295 ha. forest area to be diverted under this proposal from the User Agency as per the order 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 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.

(d) 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.

8.5 For Violation of the FCA, 1980 as penalty, the user agency will defray the cost of equal to NPV of Forest land per hectare for of each year of violence from the dated of actual diversion as reported by the inspecting officer with maximum up to (5) times the NPV plus 12 percent simple interest till the deposited is made in accordance with Govt. of India advisory number 11-42/2017-FC, dated 29/1/2018

8.6 All The funds received from the User Agency under the project, except the funds realized for nregenerat/demarcation of safety zone, shall be transferred to ad-hoc CAMPA in the Saving Bank



- Account pertaining to the State concerned;
- 8.7 The State Government should confirm, if any further construction in the forest land has been taken place by the User Agency after submission of the extant proposal for regularization of the forest land.
- 8.8 The User Agency shall obtain the Environment clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- 8.9 No labour camp shall be established on the forest land;
- 8.10 The User Agency shall provide fuels preferably alternate fuels to the labours and the Staff Working at the site so as to avoid any damage and pressure on the nearby forest areas;
- 8.11 The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number forward and back bearing and distance from pillar to pillar;
- 8.12 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 8.13 The forest land shall not be used for any purpose other than that specified in the Proposal;
- 8.14 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- 8.15 No damage to the flora and fauna of the adjoining area shall be caused;
- 8.16 Any tree felling shall be done only when it is unavoidable and that too under strict Supervision of the State Forest Department;
- 8.17 The State Government shall ensure complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its Guidelines issued in this regard along with the compliance of Stage-I approval;
- 8.18 The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- 8.19 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 8.20 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 8.21 It shall be mandatory to provide underpass for safe crossing of wild animals
- (i) The underpass shall have a minimum size of width 4.00 mtr and Height 3.00 mtr.
  - (ii) Wherever natural cross drainage works are in existence, then no need to construct New



underpass subject to existing structure nearly complying above mentioned dimensions, as Suggested in (a) above.

(iii) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.

(iv) Interval between such underpasses shall not be more than 2.00 km

8.22 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.

8.23 The User Agency shall submit six monthly self-compliance reports as on 1<sup>st</sup> January and 1<sup>st</sup> July of every year to the GOI office as well as to the Nodal Officer of the State;

8.24 The State Government shall monitor self-compliance of conditions of Forest Clearance and shall submit in this regard yearly reported as on 31<sup>st</sup> December of every year.

8.25 Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time in the interest of conservation, protection and development of forest & Wildlife, and

8.26 The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the projects.

9.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving Proposal for diversion of 6.295 ha. Forest land 24.00 mtr. & 30.00 meter ROW for Up-gradation under section-2 of the forest (Conservation) Act, 1980 for Rehabilitation and Upgradation of Pahur-Jamner Bodhwad-Muktainagar-Barhanpur (Km. 0+000 to km. 78+145, NH-752 L) to two lane with paved shoulder, Tal. Jamner, Dist Jalgaon in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980

Encl:- Proposal 2 Copies

Your's Sincerely

 22/7/22

(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests  
& Nodal Officer



22/07/2022

Copy for information:-

1. The Conservator of Forest Dhule.
2. The Deputy Conservator of forests, Jalgaon Forest Division, Jalgaon
3. The Executive Engineer MSRDC ( Ltd. ), Mumbai Camp Office Nashik



**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)

**Subject:-** Proposal for diversion of 6.295 ha. Forest land 24.00 mtr. & 30.00 meter ROW for Upgradation under section-2 of the forest (Conservation) Act, 1980 for Rehabilitation and Upgradation of Pahur-Jamner Bodhwad-Muktainagar-Barhanpur (Km. 0+000 to km. 78+145, NH-752 L) to two lane with paved shoulder, Tal. Jamner, Dist Jalgaon in the State of Maharashtra. (FP/MH/ROAD/124762/2021)

The details of land proposed for diversion is as under:-

Rehabilitation and Upgradation of "Pahur-Bharhanpur Road Section-I PAHUR-JAMNER-BODHWAD, from Km.0+000 to Km.44+760 (Design Chainage) NH-753 L" to Two Lane with paved Shoulder															
Sr. No	Compt wise Brakup	Forest Division	District	Taluka	Village	Start Km.	End. Km.	Compt No.	Gat No.	Width in M.	Length in M.	Forest area in sqm.	Non Forest Area in Ha.	Non Forest Area in Ha.	Remarks
1.	Statement - I Road Widening cum	Jalgaon	Jalgaon	Jamner	Jamner	20.850	21.000	487	857	09	150	1,350	0.135	0	RF
2	Segment- I Road	Jalgaon	Jalgaon	Jamner	Jamner	21.775	22.775	487	856	28	1,675	46,900	4.69	0	RF
3	Segment- I Road Widening cum	Jalgaon	Jalgaon	Jamner	Sonari	22.775	23.300	483	270	28	525	14,700	1.47	0	RF
4	Non Forest Area Involved in Project Jalgaon District	0	0	0	0			0	0	0	0		0	3.014	Private Land & Land Acquisition Completed The Gazette of India
											2,350	62,950			
Area in Ha. Jalgaon Forest Division													6.295	3.014	

*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

Place :- Nagpur

Date: 22 / 07 / 2022



**Subject:- Proposal for diversion of 6.295 ha. Forest land 24.00 mtr. & 30.00 meter ROW for Up-gradation under section-2 of the forest (Conservation) Act, 1980 for Rehabilitation and Upgradation of Pahur-Jamner Bodhwad-Muktainagar-Barhanpur (Km. 0+000 to km. 78+145, NH-752 L) to two lane with paved shoulder, Tal. Jamner, Dist Jalgaon in the State of Maharashtra. (FP/MH/ROAD/124762/2021)**

**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.**

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Proposal for diversion of 6.295 ha. Forest land 24.00 mtr. & 30.00 meter ROW for Up-gradation under section-2 of the forest (Conservation) Act, 1980 for Rehabilitation and Upgradation of Pahur-Jamner Bodhwad-Muktainagar-Barhanpur (Km. 0+000 to km. 78+145, NH-752 L) to two lane with paved shoulder, Tal. Jamner, Dist Jalgaon in the State of Maharashtra. (FP/MH/ROAD/124762/2021) by Executive Engineer MSRDC ( Ltd. ), Mumbai Camp Office Nashik

**2.00**

Central Government in Road Transportation & Highways has assigned Maharashtra State Road Development Corporation , Camp Office , Nasik as executing agency for development of this National Highway.

The Government has undertaken the up - gradation of the newly declared National Highway Pahur - Jamner - Bodwad ( NH- 753 L ). Thus the project is Rehabilitation and Up - gradation of the newly declared National Highway, Pahur Jamner - Bodwad ( NH- 753 L ) starts from Pahur at grade junction of Km stone 0/0 of SH-186 and ends at Bodwad Km 45 + 000 to two lane with paved shoulders / four lane configuration in the State of Maharashtra.

This highway is interstate road and an important link between the State of Maharashtra & Madhya Pradesh. The road passes through forest area with less road width which causes accident prone zone. There are lots of curve improvements on the road passing through forest area to avoid accidents. Presently, road passes through agriculture area and lots of agriculture products transport through the project road . Some small and large agro product industries / factories are located on this road which further connects to several districts of the state. As per standard of National Highway the Rehabilitation and Up - gradation of the road is required in the forest area for curve improvements and widening. So, There is requirement of diversion of forest land for Rehabilitation and Up - gradation of the newly declared NH. The up gradation will help to improve the better and economical route to travel from Pahur to Bodwad.

The forest area required for the non - forest use i.e. Road development is 6.295 ha. The total Capital cost of the project is Rs. 157.00 / - Crores only ( Rs. - One Hundred Fifty Seven Crores only).



3.00 The detailed area statement of forest land is shown as under:- **(FPNo. 43)**

Rehabilitation and Upgradation of "Pahur-Bharhanpur Road Section-I PAHUR-JAMNER-BODHWAD, from Km.0+000 to Km.44+760 (Design Chainage) NH-753 L" to Two Lane with paved Shoulder															
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Area in Ha. Jalgaon Forest Division													6.295	3.014	

4.0 The total non-forest area involved in the project is 3.014 ha. **(FPNo-43)** The site inspection report of the Deputy Conservator of Forests, Jalgaon Forest Division, Jalgaon is enclosed in the proposal **file on page no.99 to 103.**

**5.0 The details of the needs and benefits from the project area as follows:-**

1. This road connectivity can reduce travel time, lower the cost of vehicle use, increase access to market area, education and health services and reduce transport costs for both freight and passengers. Thus helping development of investment is agro - product industries sector in the vicinity of the Project.
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3. The project in connection with other state policies and initiative or expected to assist to industrial development bottlenecks. Reduce transportation cost and thereby benefit all sections of the society.



4. The foremost benefit for the local communities would be the increased levels of income. The project while giving opportunity for correct development for skilled & unskilled persons shall also provide indirect opportunity to thousands of people in industrial as well as social sector. Hence it is requested that the proposal may please be recommended for sanction to concern authority as early possible. (Project Note submitted by the project Authority is enclosed in the **PPN. 105 to 106**)

6.0 The Deputy Conservator of Forests, Jalgaon Forest Division, Jalgaon and the Conservator of Forests (T), Dhule have recommended the proposal for diversion of 6.295 ha. of forest land. **(File Page No. 8 & 101)**

7.0 **The Deputy Conservator of Forests Jalgaon Forest Division, Jalgaon has certified that:-**

- 7.1 No suitable alternate non forest land is available **(P.P. No. 51)**
- 7.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by the User Agency. **(P.P.No. 53 to 54 )**
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- 7.5 The proposed project area belongs to Eco value Class -III having Density 0.4 (Tropical Dry Decidious) **(P.P. No.05 & 99)**
- 7.6 There are 1363 trees cutting and felling involved in the project. Girth wise details is as under:- **(P.P. No. 79 & 104 )**

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- 7.7 The proposed project is not included in any National Park or Wild Life Sanctuary or Nature reserve. **(Page No. 74)**. The Yawal WLS is beyond 10 kms from the Forest area proposed for diversion **(P.P No. 100)**



- 7.8 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. **(P.P No.73)**
- 7.9 No identified forest land or acquired forest land area is selected for compensatory afforestation. **PPP. 71**
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Sr.No.	Degraded land							
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This is to certify that the said land is found suitable for taking compensatory afforestation. The area is free from encroachment.

**8. The User Agency has submitted the following undertaking/documents:-**

- 8.1 Agreed to bear the cost of clearance/removal of the vegetation growth from the proposed forest land. **(P.P.No-77)**
- 8.2 Agreed to bear the cost of Net Present Value. **(P.P.No 75 to 76)**
- 8.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guideline Regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act,2006. As per these guidelines:-

*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF&CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has be to furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*

Hence, the User Agency has given an undertaking regarding the compliance under the scheduled Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in- principle approval.

- 8.4 The proposal has been accorded the Administrative and, Technical approval. Expenditure Sanction by the Competent Authority. Copy of the same is enclosed in **(P.P.No 129 to 133.)**
- 8.5 Agreed to defray the cost of Compensatory Afforestation. **(P.P.No -60)**
- 8.6 The KML file of the proposed diverted area and C.A area is placed in the file at the top.



**9.00 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:-**

9.1 Legal status of the diverted forest land shall remain unchanged:

9.2 As per clause 2.6 of the Handbook under the FCA, 1980. The Special provisions for CA for certain categories of projects is as under:-

**(A) Compensatory Afforestation :-**

Compensatory afforestation shall be taken up by the Forest Department over 13.00 ha. double degraded forest land in Compartment No. 427, Range-Pachora, Round- Nandra, Beat- Asankheda Of Taluka -Jamner, District Jalgaon 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.

**(B)** The cost of plantation (including ten years maintenance) of ten times the number of Trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the User Agency towards compensatory afforestation.

9.3 The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

**9.4 NPV:-**

(a) The State Government shall charge the Net Present Value (NPV) for the 6.295 ha. forest area to be diverted under this proposal from the User Agency as per the order 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 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.

9.5 For Violation of the FCA, 1980 as penalty, the user agency will defray the cost of equal to NPV of Forest land per hectare for of each year of violence from the dated of actual diversion as reported by the inspecting officer with maximum up to (5) times the NPV plus 12 percent simple interest till the deposited is made in accordance with Govt. of India advisory number 11-42/2017-FC, dated 29/1/2018

9.6 All The funds received from the User Agency under the project, except the funds realized for regeneratn/demarcation of safty zone, shall be transferred to ad-in hoc CAMPA the Saving Bank Account pertaining to the State concerned;



- 9.7 The State Government should confirm, if any further construction in the forest land has been taken place by the User Agency after submission of the extant proposal for regularization of the forest land.
- 9.8 The User Agency shall obtain the Environment clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- 9.9 No labour camp shall be established on the forest land;
- 9.10 The User Agency shall provide fuels preferably alternate fuels to the labours and the Staff Working at the site so as to avoid any damage and pressure on the nearby forest areas;
- 9.11 The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number forward and back bearing and distance from pillar to pillar;
- 9.12 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 9.13 The forest land shall not be used for any purpose other than that specified in the Proposal;
- 9.14 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- 9.15 No damage to the flora and fauna of the adjoining area shall be caused;
- 9.16 Any tree felling shall be done only when it is unavoidable and that too under strict Supervision of the State Forest Department;
- 9.17 The State Government shall ensure complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its Guidelines issued in this regard along with the compliance of Stage-I approval;
- 9.18 The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- 9.19 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 9.20 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 9.21 It shall be mandatory to provide underpass for safe crossing of wild animals
  - (i) The underpass shall have a minimum size of width 4.00 mtr and Height 3.00 mtr.
  - (ii) Wherever natural cross drainage works are in existence, then no need to construct New underpass subject to existing structure nearly complying above mentioned



dimensions, as Suggested in (a) above.

(iii) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.

(iv) Interval between such underpasses shall not be more than 2.00 km

9.22 The user agency shall provide suitable under/over pass in Protected Area/ Forest Are as per recommendation of CWLW/NBWL/FAC/REC.

9.23 The User Agency shall submit six monthly self-compliance reports as on 1<sup>st</sup> January and 1<sup>st</sup> July of every year to the GOI office as well as to the Nodal Officer of the State;

9.24 The State Government shall monitor self-compliance of conditions of Forest Clearance and shall submit in this regard yearly reported as on 31<sup>st</sup> December of every year.

9.25 Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time in the interest of conservation, protection and development of forest & Wildlife, and

9.26 The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the projects.

10.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving

Proposal for diversion of 6.295 ha. Forest land 24.00 mtr. & 30.00 meter ROW for Up-gradation under section-2 of the forest (Conservation) Act, 1980 for Rehabilitation and Upgradation of Pahur-Jamner Bodhwad-Muktainagar-Barhanpur (Km. 0+000 to km. 78+145, NH-752 L) to two lane with paved shoulder, Tal. Jamner, Dist Jalgaon 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,  
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